

288 63

R E M A R K S

UPON

T H E H I S T O R Y

O F T H E

L A N D E D A N D C O M M E R C I A L P O L I C Y

O F

E N G L A N D,

F R O M

T H E I N V A S I O N O F T H E R O M A N S

T O

T H E A C C E S S I O N O F J A M E S T H E F I R S T.

I N T W O V O L U M E S.

V O L. I.

Navigia, atque agri culturas, moenia, leges,
Arma, vias, vestes, et cætera de genere horum,
Præmia, delicias quoque vitæ funditus omnes,
Carmina, picturas, et dædala signa polire
Ufus, et impigræ simul experientia mentis
Paulatim docuit pedetentim progredientis.

LUCRET. l. v.

L O N D O N,

Printed for E. BROOKE, in Bell-yard, Temple-Bar.

MDCCLXXXV.

E. M. P. K. S.

A. M. S. T. O. R. Y.

E. M. P. K. S.

THE INTRUSION OF THE ROMANS

IN TWO VOLUMES.



L O N D O N

Printed for E. B. R. O. O. K. and J. W. T. o. n. g. e. l. l. e. y.

1844.

THE
P R E F A C E.

THE greatest part of the following
REMARKS was made many years
ago, upon reading some of our ancient
historical writers. And though agricul-
ture and commerce bear an inconsiderable
part in the history of most countries, yet
they may deserve some notice, as frequent-
ly affording the best indications of the state
and condition of the inferior ranks of peo-
ple. In Britain they never can be thought
useless subjects. Our wealth and popula-
tion are chiefly derived from husbandry,
manufactures, and commerce; and it must
always be the interest of the nation to en-
courage and support them, as essential to
its welfare. At the same time, it may be

considered as a gratification of curiosity to trace their progressive improvements, and influence on liberty and manners. The Reader, however, is not to expect a complete history of these subjects. The author has confined himself to Remarks only upon such laws and customs as had the greatest influence upon agriculture, commerce, or state of the people. And, as many particulars relative to these subjects lie dispersed in a great number of volumes, it may be agreeable to some readers of English history to find them collected together, and reduced into a narrow compass.

C O N T E N T S
O F T H E
F I R S T V O L U M E.

	page
C H A P. I.	
<i>Remarks upon the landed and commercial policy of the ancient Britons.</i>	I
C H A P. II.	
<i>Remarks upon the landed and commercial policy of the Britons under the Roman government.</i>	37
C H A P. III.	
<i>Remarks upon the landed and commercial policy of England, under the Anglo- Saxon government.</i>	107
C H A P. IV.	
<i>Remarks upon the landed and commercial policy of England, from the Norman Conquest to the accession of Henry the Third.</i>	207

CONTENTS

LIST OF VOLUMES

CHAPTER I

CHAPTER II

CHAPTER III

CHAPTER IV

C H A P. I.

REMARKS UPON THE LANDED
AND COMMERCIAL POLICY
OF THE ANCIENT BRITONS.

IN tracing the origin and progress of civil society, writers have usually considered mankind in three different lights, as savages, shepherds, and husbandmen. Under the first of these they include such as subsist by fishing, the acquisitions of the chase, or the natural productions of the ground. The number of inhabitants in this state must, in general, be few: and they can unite together only in small parties, as the means of subsistence are oftentimes scanty and precarious. Every thing

being common, and the property of the first occupier, no other law can be expected to take place than what depends in a great measure on personal strength. When men have so far advanced towards civilization as to obtain a distinct property in cattle, they have commonly claimed an exclusive right to particular districts, the boundaries of which have been settled by mutual agreement or long possession. In this state bodies of men may unite, in proportion to the richness of the soil, and the extent of the country they possess. As the property of every individual is easily ascertained, few regulations are necessary; and these are generally founded on custom, which holds the place of written laws. When agriculture is introduced, property becomes so various and complicated, that a code of laws is necessary to preserve it as well as to encourage industry. Cultivated lands yielding a greater produce than in a state of nature, a larger body of people may subsist together, and form an union for their security against foreign and domestic enemies. And as husbandry requires the aid of different arts to supply its

its wants, artificers and manufacturers are gradually formed, and the several occupations of life are allotted to particular persons, which in the other states are usually exercised by all the members. Ancient writers have therefore generally made agriculture and legislation coeval and attendant on each other (*a*).

When Britain was first invaded by the Romans, the inhabitants in different parts of the island afforded specimens of these three states of mankind. In the northern parts they were little advanced above the degree of savages; and if the lands were cultivated in some parts of the south, pasturage took place in the interior countries. And every nation and country in Europe, during the first period of their history, seem to have resembled Britain and its rude inhabitants in those early ages. The lands were generally uncultivated, and the people uncivilized and warlike, subsisting chiefly on the spontaneous fruits of the earth, wild animals, or the produce of

(*a*) Varro de Re Rust. l. ii. c. i. Macrobi. Sat. l. iii. c. 12. Ovid. Met. l. v. ver. 341.

their flocks and herds. This is a truth which many Greek and Roman writers have acknowledged. Unacquainted with the true origin of mankind, and the ancient history of the eastern states, they have been almost unanimous in representing the primitive inhabitants of their own and many other countries as ignorant and barbarous as the Britons. And the first accounts of Greece, Italy, and the western parts of Europe seemed to countenance this opinion. Arts and civility had been gradually introduced into these countries, and the time of their admission in some measure ascertained. So that the title of barbarians, which the Greeks for a long time annexed to almost every other nation, might have been applied in the early part of their history with equal propriety to themselves as the Aborigines or natives of Italy and the western countries of Europe. All of them were distinguished by their piratical depredations or military expeditions against their neighbours long before they formed themselves into regular states, and became eminent for humanity and science.

The

The original inhabitants of Britain, according to the earliest and most authentic accounts, were numerous and martial; and many of them very little superior in arts and knowledge to the savages, which in later ages have been discovered in North America. It is, however, probable, that Cæsar magnified the number of Britons, either to give importance to his invasion of so distant a country, or through the want of proper information (*b*). The number of inhabitants in every country destitute of commerce is always proportioned to the quantity of food which the soil or the neighbouring seas or rivers afford; and the produce of the British lands, in their native and uncultivated state, could not be so considerable as to maintain a numerous body of people. Where husbandry has been neglected, or the soil barren, the sea or rivers have yielded a constant or occasional supply of provisions: but the northern Britons are said to have abstained from eating fish (*c*);

(*b*) Cæs. Com. de Bel. Gal. l. v. c. 12.

(*c*) Xiphil. Epit. Dion. p. 421.

and it is not unlikely but the same custom prevailed among the other inhabitants of the island. Their martial disposition may be inferred from their uncivilized state, from some peculiar tenets of their religion, and the nature of the climate, under which they lived. Domestic feuds and dissensions are frequent among all the tribes of barbarians, and kept up by that spirit of revenge which they consider as one of the branches of justice, and of all other habits and passions is in them the hardest to subdue. Warm and hasty in their resentments, they will undertake through the mere thirst of revenge to redress an injury committed by a member of a neighbouring tribe, to which a more polished people can be incited only through interest or necessity.

When the Romans first became acquainted with the Britons, the inhabitants of the sea-coasts in the south-east parts of the island are said to have been more civilized by their intercourse with foreigners than those in the interior countries. Whilst the latter contented themselves chiefly with the milk and produce of their cattle,

cattle, and the flesh of such animals as they caught by hunting, and were permitted by their religion to eat (*d*); the former practised a mode of husbandry which they had learnt upon the continent, or colonists had brought from thence. It is impossible to determine with exactness unto whom the Britons were indebted for the introduction of agriculture. We are told by Cæsar, that at the time of his invasion those parts of the island where the lands were chiefly cultivated were occupied by some settlers from Gaul (*e*). Corn had been cultivated in the southern parts of Gaul long before the Roman invasion; and from the constant intercourse between the natives of each country, and the similarity of their customs, it may be naturally inferred, that the Britons learnt husbandry from them. Perhaps this art might be imported into both nations by the Phœnicians, for the sake of victualling their ships in the frequent voyages they made to these countries. And it is not improbable but they brought husbandmen to

(*d*) Cæs. B. G. l. v. c. 14.

(*e*) Id. c. 12.

instruct the natives, or settled colonies for the purpose of trade, or the convenience of supplying their ships with grain and other provisions.

It might be imagined, that the specimens of agriculture given by the southern inhabitants of Britain would have been followed by the rest, and adopted through utility or necessity: but improvements of this kind always make a slow progress among a barbarous people. They would, probably, have been confined for many ages to particular districts, if they had not been encouraged and carried on by the Romans. Modern observation may assure us, that though hords of savages live in the immediate view of improved and civilized life, and discern the benefits of agriculture, yet they rarely adopt it without constraint. This mode of life requires confinement and stated labour, to which the savage is always unwilling to submit. Sensible of few real wants, he prefers liberty and the pleasure of the chase to every advantage that can be derived from a settled habitation and an useful cultivation

vation of the ground. And at that time neither the climate of Britain, nor the state of the lands, was favourable to a regular culture. The country, like all the northern regions in those ages, was in a great measure covered with woods and thickets, and abounded with stagnant waters and morasses. And it cannot be expected, from the character of the natives, that a proper degree of industry would be exerted to clear the lands and make them both salubrious and profitable by a due cultivation. If they had been more attentive to the business of husbandry than they are represented, the great number of woods and marshes, and the moistness of the climate, must have prevented a full maturity of the best sorts of grain. These seldom succeed in the northern parts of Europe till the air is freed from the noxious exhalations which always attend on woody and marshy countries.

We are sometimes apt to consider the descriptions which the Greek and Roman writers have left us of ancient Gaul, Germany, and Britain, as fabulous, and owing to

to their ignorance of these regions. A part of their accounts was undoubtedly received from merchants or soldiers, who, presuming on the ignorance or credulity of their hearers, took the liberty to magnify what they had seen or learnt from report. But the temperature of the air is so widely different in cultivated and uncultivated countries, though lying under the same latitudes, that there is no reason to distrust the veracity of these writers in the relations they have given us of the northern parts of Europe. Some countries, which were then looked upon to be almost uninhabitable through the extremity of cold, afford many conveniences of life, and produce grain and fruits which were then thought to be incompatible with the climate. And the cultivated tracts of a country will have a beneficial influence upon others that lie at a considerable distance. Every part of England and France feels the advantages of the improved agriculture of their northern neighbours, and enjoys a warmth and temperature of air unknown in former ages.

If

If some of the lands adjoining the sea-coasts in the southern parts of the island, and a few other places, were tilled, the interior countries were left nearly in their primitive state, and chiefly employed for the maintenance of cattle. All the ancient writers on British affairs are unanimous in describing the greatest part of the inhabitants as subsisting chiefly on the produce of their flocks and herds; though Strabo has observed, that some of them were ignorant of the art of making cheese, while the Germans of the same age are said to have made it a part of their food (*f*). And among a martial and uncivilized people agriculture is always held in the lowest estimation, and usually left to the care of women or children, or such as by age, debility, or inclination, are unfit for a military life. This was the case at least among all the northern nations in the early ages of their history. On the first advances of men from the state of savages, they commonly apply themselves to pasturage, and obtain a distinct property

(*f*) Strab. Geog. l. iv. p. 200. Cæs. B. G. l. vi. c. 21.

in cattle: and in the progress of civilization, when they begin to cultivate the lands, vassalage usually takes place, and then the business of husbandry is consigned to the care of slaves and captives. And it would be almost a singular instance in history to find a martial and barbarous people engaged in the cultivation of the lands or the exercise of the manual arts, and submitting to the drudgery of occupations which they commonly hold to be mean and dishonourable (*g*).

Though we have no reason to presume, from the state of knowledge, arts, and industry among the Britons, that they made a great proficiency in agriculture; yet we are informed they so far attended to it as to discover that marle was a manure, and might be usefully employed in the cultivation of lands (*h*). At the same time we learn, that they laid up their corn in pits or subterraneous magazines (*i*). This was, indeed, a custom not peculiar

(*g*) Herod. Hist. l. ii. c. 167.

(*h*) Plin. Hist. l. xvii. c. 6.

(*i*) Diod. Sic. Hist. l. v. p. 301.

to them, but in use among other nations who had no intercourse with each other (*k*). And the reason of it was probably the same in all ; to secure the grain from the depredations of an enemy, or to make the discovery of it difficult to strangers. This custom may be urged as a proof of the low state of husbandry, or at least of the unsettled condition of the inhabitants, who had not skill enough to erect, or could not erect with safety, barns and other conveniences for lodging their grain, but were obliged to deposit it under the ground in so moist a climate as Britain.

According to some of our ancient historians, Dunvallo Molmutius, a British king, who lived before the invasion of the Romans, appointed what number of plows every district should employ, and made many useful regulations for the encouragement of agriculture, and construction of the public roads (*l*). But the whole story

(*k*) Hist. Bel. Afric. c. 65. Varro de Re Rust. l. i. c. 57 and 63. Tacit. de Mor. Germ.

(*l*) Ranul. Higd. Polych. p. 196. 214. Rad. de Diceto, p. 553. Chron. Brompt. 956.

is so inconsistent with the state of Britain in the times of this imaginary prince, that it is fit only for the credulity of the Monkish historians.

Writers have generally represented every barbarous people as trafficking by barter or an exchange of commodities with foreigners as well as each other. And, until a representative of the value of goods is established by mutual consent, trade can be carried on only in this manner. Savages must occasionally exchange their acquisitions with each other: and men in a pastoral state must have more frequent occasions to make exchanges of cattle, and other fruits of their industry, for those of another. If the exchanges of the first depend on caprice, those of the latter are often derived from necessity, and are equally beneficial to both parties. When agriculture is introduced, and the value of labour is estimated by consigning the several occupations of the mechanic and manufacturer to particular persons, silver or gold, as a representative of the price of commodities and labour, becomes in some measure necessary.

cessary. And, if the manual arts are in the hands of slaves, and husbandry is carried on chiefly by their assistance, a small quantity of specie will support the traffic of such a nation. It is only when the labourers and workmen in the various arts, necessary to improved society, become free and independent, that a great quantity of money can enter into circulation; and this will always be in proportion to their freedom, and the value of provisions and other necessaries to their subsistence. It cannot, therefore, be expected, from the state of Britain and its inhabitants in those early ages, that a considerable quantity of the precious metals could circulate for the purpose of carrying on foreign or domestic trade. It is probable that a few coins were current soon after the time of Cæsar's invasion; and some of the most opulent inhabitants might have toys or trinkets made of gold or silver imported by foreigners, or the materials might be collected from our own mines; but the specie in currency was certainly too inconsiderable to carry on an extensive com-

commerce; and, as the other were not brought into circulation, they could be of no more service to trade than the antique coins and medals in the cabinet of an antiquary. Rings, or pieces of copper, or iron, supplied the want of gold and silver; and, though these served the purposes of exchange amongst themselves, they were very improper for carrying on a lucrative traffic with foreigners. The chief riches of the Britons, like other nations who lived by pasturage, consisted in the number of their flocks and herds; and these might supply them not only with provisions, but with every other necessary commodity, by exchanging their produce with strangers, or their own countrymen. As their wants were few, slender encouragement could be given to the merchant or artificer. Savages have few articles to exchange with foreigners, or each other; and, though the Britons had made advances towards civilization by the introduction of pasturage and agriculture in particular places, they were able to supply themselves by their own industry with almost every thing necessary to
their

their state and mode of life without having recourse to foreigners. With the progress of civility, arts, and luxury, the real or imaginary wants of men are so far increased, as to invite merchants from abroad, and to engage the skill of the artizan and manufacturer at home to yield a supply. And though the Britons had not arrived at that state of civility, which gives the fullest encouragement to foreign and domestic trade, yet they were visited by merchants from abroad, who carried on in some articles a considerable traffic.

Before Cæsar's invasion, the Phœnicians and Carthaginians had traded with the Britons for tin and lead; and they found the commerce so beneficial, that they confined it for some centuries almost entirely to themselves. By the aid of their settlements in Spain, and especially at Cadiz, they were enabled to carry on this traffic with greater ease than any other nation, and even to secure a monopoly. Like all other commercial states in ancient and modern times, they were jealous of competitors in every branch of their trade, and

used the utmost precaution to keep it in their own hands. The story of the Phœnician pilot is well known. Being pursued by a Roman vessel, with a view to discover the proper course to the British or Scilly isles, he ran his ship upon the rocks, in order to destroy the other, or defeat his design; and, for this piece of service to his countrymen, he was indemnified at the public expence (*m*). But, to judge the better of their inclination to monopolize trade, we may appeal to a barbarous law or custom established at Cadiz and Sardinia, which enjoined all foreign mariners to be drowned, who resorted thither without their leave (*n*). The Greeks of Marseille, nevertheless, on the decline of the Carthaginian power, found their way to Britain, and traded with the natives both before and after they were subdued by the Romans.

After this commerce had been successively carried on by several states on the coasts of the Mediterranean, the Britons were visited by their neighbours on the

(*m*) Strab. Geog. l. iii. p. 175.

(*n*) Id. l. xvii. p. 802.

coasts of Gaul, for the same purpose. The Veneti, or people of Vannes, one of the Belgic tribes, besides corn and cattle, purchased lead and tin, and conveyed the latter from their own country by land to Marseille (o). This troublesome and expensive mode of conveying such heavy commodities affords a presumption, that the quantity could not be very considerable, and may be adduced as evidence of the declining and imperfect state of navigation at that period. But whatever regard the Britons might pay to commerce in general, they seem to have been very defective in the art of constructing or navigating ships; at least, history affords us no authentic proofs, that they made use of their own vessels in exporting their commodities, or fitted out many ships of war on occasion of assisting their allies, or defending themselves. Some of their vessels, or boats, were made of wicker, or osier, and covered with leather; and, being composed of such slight materials, they could be used only for transporting light goods or passengers over creeks or rivers.

(o) Diod. Sic. Hist. l. v. P. 302.

The principal exports of Britain were tin and lead, though the Romans on their first invasion had flattered themselves with the hope of finding more valuable commodities. Gold, silver, and pearls, were looked upon to be the products of the island; or at least this notion was propagated for very obvious reasons amongst the soldiery. But they found, on experience, that the quantity of these was too inconsiderable to answer their expectations. They were obliged to be contented with the profits arising from the sale of their prisoners, whom, according to custom, they reduced to the capacity of slaves(*p*). Notwithstanding this disappointment, Strabo and Tacitus continued to place gold and silver among the British products. According to the first of these writers, corn, cattle, gold, silver, iron, hides, slaves, and dogs, were the chief exports; and from the Scilly islands lead and tin(*q*). The last of these were of greater value than the others. In the time of this writer, the quantity of corn, raised for domestic use or exportation, could

(*p*) Epist. ad Att. l. iv. 16, 17. Ad Fam. l. vii. 7.

(*q*) Strab. Geog. l. iv. p. 199.

not be very considerable. The interior parts of the island were in a great measure overspread with woods, though a few places might be cleared, for the purpose of sowing grain, of supplying their cattle with herbage, or making room for their chariots. And it was not till some centuries after Cæsar's invasion, that Britain became distinguished as a corn country, and furnished the Roman garrisons on the frontiers of Germany with grain and other provisions.

The article of slaves was, perhaps, of all others, excepting tin and lead, the richest branch of commerce both before and soon after the settlement of the Romans. Cæsar carried away a few prisoners as the fruits of his expedition; and, on the conquest of the island, all the captives taken in war would be exposed to sale, and a regular trade in slaves be in some measure established. Almost all the trading vessels of every commercial state in ancient times made a part of their returns in slaves; and, among a barbarous people, these are commonly so plentiful as to be purchased at low rates. The petty clans, into which a
C 3
rude

rude and ignorant people is always divided; often break out into hostilities against each other, either on account of encroachments made upon their territories, or of some injuries done to individuals; and the prisoners they take are usually sold to foreigners, when they have an opportunity for this purpose, especially as many as escape from immediate slaughter, or are not destined to other uses. For almost all the tribes of savages, that have held no correspondence with civilized nations, have generally been represented as sacrificing their captives to some favourite deity, or putting them to the most painful deaths. For this reason the execrable slave-trade in ancient as in modern times, though it might encourage hostilities among savages for the sake of procuring prisoners, was, nevertheless, the means of preserving the lives of many captives. On the other hand, the lucrative trade, by encouraging pirates and freebooters to carry off as many of the barbarous inhabitants in every country as fell into their hands, naturally created among an uncivilized people an aversion to

to strangers, or prevented a free intercourse with them. And it deserves to be remarked, that, while the inhabitants of the sea-coasts in the western parts of Europe were commonly represented as inhospitable and cruel to strangers, the natives of the interior countries were usually distinguished for their civility to travellers and foreigners. And one reason for this difference of character might be, that the former had been so frequently injured by the depredations of pirates as to become jealous of every stranger ; while the other, exempted from the like treatment by their inland situation, received every foreigner with courtesy, and entertained him with greater hospitality than more civilized nations. And it was perhaps for this reason amongst others, that the ancient Greeks built their towns at a distance from the sea-coasts (r); and that islanders were represented by them as more fierce and intractable than the inhabitants of the continent. An ancient Greek writer observed, that it was a general practice among all barbarous nations to expel

(r) Thucyd. Hist. l. i. c. 7.

strangers (*s*). The same custom nevertheless prevailed among civilized people, as the ancient Egyptians are said to have adjudged every foreigner, who arrived in their country, to death or slavery (*t*). And the natives had probably been so often plundered or violently carried away by pirates, as to give them an aversion to every stranger who landed upon their coasts.

It is almost needless to mention other articles of British commerce. The preparation of iron, tin, and lead, requires a degree of industry and application, which a barbarous people submit to with as much reluctance as the labours of husbandry. And the number of dogs, which was occasionally transported to Rome, and the quantity of hides and skins exported to other places, besides those which were necessary for their own use, could not be so considerable as to enrich the British traders, or lay the foundation of an extensive and beneficial commerce.

As the native products of every country have been in a great measure invariable, it

(*s*) Strab. Geog. l. xvii. p. 802.

(*t*) Diod. Sic. Hist. l. i. p. 61.

may be thought an omission in Strabo and other writers, that wool was not mentioned as one of the British commodities, especially as its value was then understood, and the Spanish sheep were at that time, as they have been almost ever since, distinguished for the fineness of their fleeces (*u*). To resolve the doubt, it will be necessary only to observe, that, though sheep now abound in Britain, their number in ancient times was not very great, on account of the moistness of the soil and climate. A marshy and woody country is of all others the most unfavourable to the propagation of these useful animals.

The British imports were as trifling as the exports. A people, who clothed themselves chiefly with the skins of their own cattle, lived in temporary hovels, or sheltered themselves from the inclemency of the weather in woods and thickets, could stand in need of few foreign commodities for use or ornament. Some degree of luxury and greater industry than is usually exerted by a barbarous people must unavoid-

(*u*) Strab. Geog. l. iii. p. 144.

ably take place in every country, before its commerce can become extensive, or even profitable to its inhabitants. The chief imports consisted of salt, earthen ware, kettles, and toys of brass, iron, and amber(*w*). Articles of this kind have commonly been more acceptable to an uncivilized people than the ornamental and even useful commodities in a more polished state of society. The exchange of trifles for the native products of any country in their rudest state has always been one of the most lucrative branches of commerce. And a considerable part of the power and opulence of the commercial cities in ancient times was derived from their trade with the uncivilized countries of Africa and Europe. They received from these places many useful commodities, in exchange for toys or goods of the lowest value.

As rude, however, and ignorant as we may suppose the Britons to have been in their original state, they must have possessed some degree of skill in the mechanical arts, as far at least as their mode of life

(*w*) Id. l. iii. p. 175. *Hist. du Commerce par Huet*, p. 208.

required. The construction of their cars or chariots affords a proof of their ingenuity, and serves to place them above the rank of savages. And Stonehenge and similar works in different parts of Britain equally shew their assiduity in effecting what in modern times are looked upon with some degree of wonder. There is nevertheless slender reason to believe, that they made a great proficiency in the mechanical or any other arts, that are practised by a people enlightened by learning and knowledge. Their buildings, utensils, and arms, indicate their want of skill, as well as the rudeness of their state. No goods or manufactures, that required application or dexterity to fit them for use, are enumerated among their exports; and even lead and tin were probably disposed of to foreigners in their rudest state, and in no greater quantities than to supply themselves by exchange with the simplest articles of use or vanity. If the traffic in these commodities had been considerable, or had employed a great number of hands to prepare them for exportation, those parts of the island, where

they

they were found in the greatest abundance, would have been the most populous, and the people more civilized than the rest: and yet there is no reason to presume, that in this respect they were superior to the other inhabitants. It is probable, that few mines of tin, lead, or iron, were opened, except where the materials lay near the surface, or could be collected with ease.

How long the Britons might have remained in this uncultivated state, if they had not been subdued and instructed by the Romans, is not easy to determine. Though it appears on the first view to be a work of no great difficulty to instil the general principles of justice and humanity into an ignorant and barbarous people, and to form them into regular societies; yet the history of almost every nation informs us, that the progress of arts and civility has been extremely slow. So violent is the love of natural liberty, that it has required the experience of many ages, and the joint efforts of religion and policy, to subdue and confine it within the bounds of order and laws. The first bond of union among savages is commonly formed for mutual safety;

safety ; and the first instances of discipline and submission to authority have generally been of the martial kind, for their own defence, or the annoyance of their neighbours. And improvements in the art of war have so far preceded others, that almost every nation in Europe distinguished itself by its military skill and expeditions long before it became known for its proficiency in civility and science. And until these are in some degree introduced, husbandry and commerce, which form and preserve both foreign and domestic connections, will be equally neglected, or held in contempt.

However desirable an improvement in the state of the Britons may be thought, there is slender reason to believe, that they were dissatisfied with their condition, or willing to exchange it for the servile but more polished manners of Roman subjects. Most of them possessed the freedom attendant on a pastoral life, in which it is scarcely possible to hold a numerous body of people in a state of slavery. This can be maintained only where agriculture and the mechanical arts have been introduced and
encou-

encouraged, and might prevail in a small degree among some of the southern Britons. As the labourers and workmen are constantly under the inspection of their masters, it is not difficult to retain them in their service. In a pastoral state, the opportunity of deserting is more frequent and easy, but at the same time less inviting, as the labours and mode of life of the master and servant are nearly alike. And though pasturage may be considered as one step towards civilization, yet it participates so much of natural liberty, and is so flattering to the roving disposition of a barbarous people, that it is not easy to draw them from it, and confine them to sedentary occupations and settled abodes. These ends can be attained only by building large towns, by encouraging foreign or domestic trade, and enlarging the number of manufacturers and workmen in the most useful articles of civilized life. The division of Britain into small independent cantons might likewise obstruct the introduction of many arts, as it ever was the fate of petty states in the early periods of their history

to

to be engaged in frequent hostilities with their neighbours, and for that reason few improvements were made for a long course of time, except in the art of war. This was the case of the small states of Greece and Italy, in which the profession of arms was more attended to than any other, and the early law-givers were employed in forming the people into soldiers, rather than instructing them in the arts of peace, and the necessary occupations of a social life.

And this was the case of the ancient Britons, of their chieftains, and law-givers. There was nothing in their civil or religious institutions, that promised an immediate improvement in their state, or a more perfect civilization, without foreign assistance. In some countries, the aid of religion was called in, to encourage agriculture, and promote the views of legislators in forming men to social manners. In this respect the ancient law-givers of Greece and Italy were superior to the bards and Druids of Gaul and Britain. The poets or bards, who, in the early ages of most countries, had a great share in forming the sentiments
and

and manners of the people, were to the Britons either useless, or had a pernicious influence. Animating their chieftains and their clans to acts of valour and revenge by reciting the martial deeds of their ancestors, they diverted their attention from the arts of peace, and increased rather than mitigated the ferocity of their manners. And the opinions and practices of the Druids, if we except their philosophical notions, appear to have been calculated only for a barbarous and warlike people. Living amidst the gloom and horror of the woods, that then overspread the northern regions, and conversing with a wild and martial people, they invented or introduced those tenets and modes of religious worship, which were best adapted to their state and disposition, and calculated to form them into a body of warriors. And on this plea we may excuse some of the political institutions of the Druids. Strangers to regular societies, and the refinements of civilized life, they wanted those patterns of legislation which the Grecian and Italian lawgivers had before them in modelling their

their respective states. And it is not unlikely but the primitive inhabitants of Greece and Italy were as savage in their manners, and as singular in their religious opinions, as those of the western parts of Europe, till, copying the institutions of their civilized neighbours, their ancient customs fell into disuse, and in length of time were almost totally forgotten. An alteration in civil life will introduce a change in the forms and tenets of religion; and the same spirit, which mitigates the violence of savage manners, will soften or abolish the barbarous customs which have crept into religion.

Some, however, of the British customs seem to have been derived rather from political than religious reasons. Abstinence from fish, in a country whose seas and rivers abounded with them, may be considered as a measure peculiarly calculated for encouraging the cultivation of the lands, and obliging the people to depend on their produce for a subsistence. It ought nevertheless to be observed, that the antient Greeks are said to have abstained from eating

Vol. I. D fish;

fish (x) ; and that the civil and religious institutions of savages are so often derived from caprice and accidents, that it is difficult to determine, whether art had any influence in giving them an establishment. There is reason to believe, that many of the religious institutions of the Grecian lawgivers were founded on policy, and views of public interest. They borrowed their knowledge from Egypt, or the civilized states of Asia, and were free from those capricious passions, which often give birth to the civil and religious customs which prevail among savages. To the God of War, the most ancient and renowned amongst all the tribes of barbarians, they added those deities which they thought to preside over arts and sciences, and all the useful inventions of civilized life. Among these we always find the deities, which were supposed to preside over agriculture held in great veneration, and placed on a level with their ancient Gods. And whenever we find, in the history of any people, that a reverence is paid to the deified patrons, or supposed inventors, of husbandry,

(x) Plato de Rep. l. iii.

from that period we may date the beginning of civilized life.

The Grecian lawgivers were superior to the druids in many other respects. The building of magnificent temples and cities, and almost all the religious rites observed in their worship, had a natural tendency to promote society, and encourage civility among the people. The Druids, on the contrary, consecrating groves and woods, and performing the chief offices of their religion in the most gloomy and retired parts, contrived, as it were, to keep the country in its rude and uncultivated state, and to increase the natural fierceness of the people by the ceremonies as well as tenets of their religion. And so durable was the force of superstition, and so long and religiously was this veneration paid to particular places and groves in Gaul, that they were not only left in their ancient state, after the adjacent lands had been tilled, but even the offerings and treasures deposited there were preserved with equal care, till they were carried away by the Romans (y).

(y) Cæs. B. G. l. vi. c. 16. Suet. Jul. Cæs. c. 54.

It should seem, therefore, from the tenor and spirit of the Druidical institutions, as if little improvement in useful knowledge and the arts of civilized life could be expected. They were calculated rather to keep the people in their wandering and barbarous state, than oblige them to seek their sustenance from the cultivation of the ground, or lead them to the happiness of a settled and social life, by the introduction of industry, order, and commerce.

C H A P. II.

REMARKS UPON THE LANDED
AND COMMERCIAL POLICY OF
THE BRITONS UNDER THE GO-
VERNMENT OF THE ROMANS.

IF ambition or resentment led Julius Cæsar into Britain, the vanity of enlarging the bounds of the empire urged his successors to complete his design. This is the best reason that can be assigned for their attempt to subdue a nation which could give them very little disturbance on the continent, and would scarcely repay the expences of a conquest. A cultivated country, abounding with a rich and flourishing people, might have roused their envy, and tempted them on the slightest pretences to bring it within the pale of

their empire; but the state of Britain and its inhabitants offered no such inviting prize to their arms. They were sensible of the small value of its native commodities from the time of Cæsar's invasion, and reaped greater profit from the duties imposed on them, when exported into Gaul, than they could hope to derive from the conquest of the whole island: for these reasons, amongst others, the Britons were permitted, till the time of Claudius, to enjoy their primitive liberty (a).

Though the invasion of a country, thro' ambition or avarice, can seldom be excused or defended, yet the Britons were in some respects obliged to their conquerors. The Romans were compelled to civilize them, in order to make them useful, and keep them in subjection; and the propagation of arts and civility among an ignorant and barbarous people extenuates the injustice of a conquest. Hords of savages may be destroyed, and a body of foreigners introduced in their room; or they may be awed into a temporary subjection by a superior

(a) Strab. Geog. l. iii. p. 116.

force : but the conquest will never be complete and durable, until they are settled in towns, possessed of a fixed property in the lands, and obliged to depend on their produce for a subsistence. This is a truth, that may be collected from the history of some tribes of Arabs. Though these have been almost incessantly engaged in hostilities, and frequently attacked by superior forces ; yet they have subsisted from the earliest ages nearly in a state of independence ; or if they were sometimes reduced to a temporary submission, they have never been entirely subdued. Possessed of few towns, and having no distinct property in the lands, which required their care and defence, they have always retired, with their cattle, and most valuable effects, into the wilds and natural fastnesses of their country, on the approach of a powerful enemy, and have eluded or defeated the attempts of the ablest generals. And until their mode of life is altered, and they are confined to settled habitations, they will retain a great portion of their ancient independence.

pendence. The Britons, like them, would probably have defied the Roman arms, if they had possessed similar retreats, and an equal extent of country. But no places in the island were inaccessible to the Roman legions ; nor any so distant, to which they could not convey, or carry with them, a due quantity of provisions. And at all times it is much easier to civilize the northern than the southern savages. These commonly finding an easy and ready subsistence from the natural productions of the soil, enervated by the warmth of the climate, and averse to the degree of industry and labour required in civilized life, are formed with the greatest difficulty into regular societies. On the other hand, the rude inhabitants of the North, occupying a soil not so bountiful in its returns, and more accustomed to hardships and fatigues, settle more readily into a community, and submit with less reluctance to the necessary labours of a social state. And it may be added, that as a property in the necessities of life is much harder to acquire, and of consequence more valuable, than in the warmer

warmer regions of the South, the inhabitants submit with greater willingness to such laws and regulations as are required to ascertain and preserve it from usurpation and violence. And the security of personal property naturally encourages industry and order.

As the Romans are considered as the chief civilizers of the Western parts of Europe, it may be of use to reflect by what means they accomplished an end so desirable as almost tempts us to excuse their thirst of dominion, and to place them among the benefactors of mankind. A late celebrated writer has, indeed, set them in a different light. He considers them as the scourges of the people whom they subdued, and leading out their armies, rather with a view to plunder and destroy, than to instruct the vanquished by the introduction of useful arts, and a more equitable and beneficial plan of government (*b*). There is undoubtedly some truth in this observation; and it would be a vain attempt to defend

(*b*) Montesqu. Esp. des Loix, liv. x. c. 14. liv. xxi. c. 12.

all the measures and proceedings of the Romans in every period of their history. If, however, devastations and servitude marked the progress of their arms in Greece, Asia, and the cultivated parts of Africa, the establishment of arts and useful laws and regulations attended their conquest of Gaul and Britain. And as long as we can forget the injustice of their invasion, and the violence employed to subdue the inhabitants of these countries, we may think more favourably of their proceedings, and consider their conquest as accidentally productive of some benefits to their new subjects, in return for depriving them of their ancient liberty.

The measures pursued by the Romans for civilizing, as well as retaining, the Gauls and Britons in a state of subjection, were similar to those which other nations had employed for the same purposes. Whatever arts they might introduce among a barbarous people, agriculture was the first, and in many respects the most useful, by enforcing industry, and ascertaining a distinct property in the ground, and its pro-

products. Almost all the great and flourishing states of the East had employed both political and religious motives to encourage a proper cultivation of the lands; and from this source they chiefly derived their populousness, wealth, and power. Egypt, from whence the law-givers of ancient Greece and Italy chiefly borrowed their ideas of civil polity, was distinguished for its husbandry. The fertility of its soil occasioned its populousness; and this necessarily introduced a regular government, and gave room for every effort in the various branches of legislation. For this reason it had been famous for its system of laws, and resorted to by the inquisitive Greeks long before their countrymen emerged from a state of ignorance.

As the early civilization of Egypt was in some measure owing to its peculiar situation, and the fertility of its soil, that of the Greeks, whose lands were not so fruitful, must be ascribed to other causes, besides the introduction of agriculture. Applying themselves to traffic with their neighbours instead of engaging in acts of piracy,

piracy, and cultivating their lands with greater assiduity, dividing the country into petty principalities, and employing all the profits and revenues of their territories to improve and adorn their capitals, more polished manners and a more equitable government began to take place. Commerce necessarily introduces justice, order, and industry; and the spirit of a large and trading city has usually been of so liberal a turn, as seldom to endure for a considerable space of time an arbitrary governor.

Before this improvement of Greece, the inhabitants were divided into clans under the direction of a chieftain, who seems to have possessed a sovereign command in civil and military affairs. When these ancient monarchical forms of government began to decline, and the spirit of liberty to animate the Grecian states, we justly hold them in the highest admiration, and esteem it as the peculiar felicity of a country, which resembles them in zeal for freedom, and in all the arts and accomplishments of civilized life: but amidst the admiration of
what

what is commendable, we are almost insensibly led to forget, that, while a just or rather an unbounded liberty reigned amongst the freemen in the capitals of many states, servitude and oppression generally took place in every other part of their territories. If in some of the Eastern states the husbandmen consisted chiefly of freemen; in Greece, and in all the countries dependent on Carthage, the business of tilling the lands and all rural occupations were commonly allotted to slaves and captives under the direction of an overseer or bailiff. The Elotes or Spartan husbandmen were as abject slaves as the Negroes in an American plantation: and in other parts of Greece the condition of the ploughmen and labourers was nearly similar. If by the fortune of war one state obtained a superiority over another, many of the inhabitants were usually reduced to the capacity of slaves, and the chief products of their country conveyed to the capital of the victors. In this instance the Greeks were not singular. Some of the public works in Egypt were

exe-

executed by prisoners taken in war (c). And it was almost an universal maxim of policy in all ancient states to make use of the people they subdued, as labourers, mechanics, or husbandmen, if the country would admit of cultivation, and its products were necessary for this use. And whenever an attempt was made to civilize a barbarous people, the utmost care was taken to instruct them in husbandry, and the various arts and occupations connected with a rural life. The civilizers of Greece and Egypt are said to have been the inventors or patrons of agriculture, and to have effected their designs by introducing or encouraging it in their respective countries. The Egyptians were so sensible of the benefits derived from their ancient law-givers, who introduced husbandry, as to advance them to the rank of deities (d). And in later times Alexander the Great, who equaled any of the ancient conquerors in the knowledge of civil government, pursued

(c) Herod. Hist. l. ii. c. 108. Diod. Sic. Hist. l. i. p. 61.

(d) Diod. Sic. ibid.

fixed the same measure, as the means of civilizing a barbarous people (e).

Many of the Greeks, elated with their superiority over some other nations in science, arts, and political knowledge, looked upon every barbarous people as unfit for the employments of freemen, and designed by nature for servitude (f). And as they could not be supplied with a proper number of slaves from their own countries, they were obliged to bring them from abroad, and oftentimes distinguished them by the names of the nations from which they were imported. Even in the age of Homer, when his countrymen were only emerging from barbarism, slaves were considered as articles of traffic, and exchanged like other commodities (g). After his time the slave-trade was enlarged in proportion to their advancement in arts and luxury, and continued to be carried on as long as their governments subsisted. By the cease-

(e) Strab. Geog. l. xi. p. 786. Plut. tom. ii. p. 328.

(f) Arist. Pol. l. i. c. 2, 5, 6.

(g) Hom. Il. vii. 427.

less vicissitude of human affairs, their descendants are at present nearly reduced to the same state of servility and ignorance as the barbarians, who in their estimation were destined for slavery ; while the Western countries of Europe, which they considered as occupied by barbarous nations, are now become the seats of civility and learning, and the inhabitants possessed of all the qualities and endowments which they believed to confer a right of tyrannizing over a rude and uncultivated people.

It is not, however, to be imagined, that in Greece slaves alone were employed in the cultivation of the lands, or that the occupation itself was thought dishonourable by men of letters and distinction. One of Hesiod's poems affords an evidence of the attention paid to agriculture by the ancient Greeks ; and the more useful treatises on the same subject by succeeding writers, many of which are enumerated by Varro *(b)*, sufficiently shew, that it continued to be held

(b) De Re Rust. l. i. c. i.

in some degree of repute for several ages. If any other evidence was wanting, the Oeconomics of Xenophon may be adduced as a proof of the regard which men of genius as well as eminence in the state paid to the cultivation of the lands, and of the care they took to superintend and direct their slaves and labourers in country-affairs (*i*). When they retired from public business to their villas or farms, this was their usual employment; and it continued to be so, till the wealth brought in by commerce, and the factions in the capitals, diverted their attention from all rural occupations. Considering the power and opulence of some of the Grecian States, it may seem surprizing, that men of rank and distinction in the government should have applied themselves for so long a time to the business of husbandry; but the landed possessions of the leading men in the administration of public affairs were usually so small, that it required the utmost care and oeconomy to draw from them a mainte-

(i) Xenoph. Oecon. c. 16, 17.

nance proportioned to their station. And on this supposition we may account for their skill and attention to an employment, which in nations equally polished is usually neglected by men of the same rank.

Nor was this regard to husbandry in those early ages confined to the Greeks or eastern states. The inhabitants of Italy, before they were subdued by the Romans, equalled any other people in this occupation. If any credit is due to the early history of the Romans, the little states, into which Italy was then divided, were extremely populous. And it is scarcely possible to suppose, that such a great number of people could have been maintained, except by a vigorous cultivation of the lands, and a degree of industry as well as simplicity of diet unknown in modern ages. But if they equalled or excelled the Greeks in this instance, they were inferior to them in others. Confining themselves wholly to the profession of arms and agriculture, and retaining their ancient simplicity of manners, the arts and sciences were slightly attended to, or entirely neglected; while the

the Greeks, who lived in a country not so fertile, by applying themselves to commerce, and enriching and adorning their capital cities, carried all the polite arts to such a degree of perfection as to become the models of succeeding ages. The Tarentines alone resembled them most, by adopting their manners. They were originally a Greek colony; and, led by their situation to engage in commerce, they made a greater proficiency in the polite arts, than the contemporary inhabitants of any other state in Italy.

In some respects the Romans were superior to the Greeks in the arts of legislation. The ancient law-givers of Greece had formed their plans of government on so narrow and contracted a basis, as scarcely to admit of a numerous and flourishing state of people, or an extensive empire ruled by a liberal system of laws. The political institutions of Crete, Sparta, and particular states in ancient Italy, though useful in many respects, seem to be calculated rather for forming a numerous body of warriors, than for propagating arts and civility, and founding a great empire by the in-

introduction of their own manners and laws. According to the spirit of these governments, every people, which fell under their domination, must either be reduced to a state of servitude; or, if they received the laws of their conquerors, must become almost independent, and be considered only as their friends and allies. Their plans of government were also calculated for a city or small district, and could rarely be established in a distant country, which they subdued, with advantage to their own state. At the same time, their institutions having too much of a military cast, served to push them on to conquests, which they were unable to preserve. The Roman republic, though formed on a more extensive plan, was not without its defects. In the early ages of this mode of government the liberty and happiness of a conquered people were as precarious and insecure as in the time of the Emperors. Under the first period, cruel agrarian laws were enacted, for dividing the lands of the vanquished states among their own citizens; and under the latter the provinces commonly fell into the hands of rapacious governors, who

re-

reduced the greatest part of the people to a state of poverty and servitude. It is only in modern times that we must look for an equal distribution of justice in the capital and distant parts of an empire. And it may be observed, to the honour of the present times, that the condition of the inhabitants of every state in Europe, who have been obliged to submit to a foreign power, has been much more comfortable than it would have been in the best ages of the Greek or Roman republics.

After these remarks on the policy and government of ancient states, we may return to our subject, and consider the means employed by the Romans for civilizing the western parts of Europe. And one reason of the improvements made in these uncultivated countries may be justly ascribed to the settlement of colonies, and the introduction of agriculture. It had been the constant practice of the Phœnicians, and other ancient commercial states, to carry out companies of their countrymen, and place them on the coasts of Africa or Europe. By the aid of these colonies

they were enabled to establish a trade, and make an exchange of goods with the barbarous natives, and secure to themselves a monopoly. And necessity concurred with utility in recommending this measure. Most of these trading cities being situated on islands, or confined to a small tract of land upon the continent, could not conveniently accommodate the inhabitants with lodging and provisions, when their commerce became extensive, and their citizens numerous. Excepting Carthage and Alexandria, few of these commercial states were able to furnish their subjects with grain and other provisions, without the assistance of the neighbouring nations or their own colonies. For this reason, corn was usually the principal article, in which the colonies of the Greeks and other Mediterranean states trafficked with the parent-country. And as far as the colonists extended themselves into the adjacent lands for the purpose of raising grain, so far they might contribute to the civilization of their barbarous neighbours. But as they were
led

led out chiefly for the sake of trade, they generally confined themselves to the lands contiguous to the coasts. If they extended themselves farther, it was commonly with a design to obtain the possession of some valuable mines; and then it became necessary to subdue the original inhabitants. With this view the Carthaginians attacked the Spaniards, and reduced a part of their country to some degree of subjection. To these reasons for sending out colonies, we may add the necessity of providing for the indigent, which are commonly numerous in every commercial state. No public provision seems to have been made for them, except in the city of Rhodes (*k*). The state therefore, for its own relief, would be willing to provide for them in other countries, where they might be of service instead of a burthen to their countrymen at home. Perhaps too, as the constitution of these trading states was generally republican, the magistrates might think it to be an act of prudence to remove the lower

(*k*) Strab. Geog. l. xiv. p. 653.

order of citizens, who, having votes in the public assemblies, might be employed to serve the purposes of a faction, or suffer themselves to be governed by a seditious demagogue. And to this measure we may in some degree attribute the duration of these petty states. They no sooner ceased from sending out colonies, than they were rent by domestic contests and struggles for power, and the inferior citizens became engaged in supporting the designs of some factious leader.

The Romans had other views in their conquests than the interest of trade. This seems to have made no part of their designs in the republican times of their government. Their colonies consisted chiefly of veteran soldiers, who were requited for their services with a part of the lands they had conquered, and at the same time were intended to keep the natives in subjection. Particular legions settled in the country they had subdued, formed a barrier against the invasion of their neighbours, and were always at hand to assist their countrymen, when they were obliged

to maintain, or disposed to extend, their conquests. This was one of the most political measures employed by the Romans for enlarging their empire; and it was no less useful in preserving the tranquillity of the capital. In times of peace it was scarcely possible to maintain the authority of the magistrates in a state, where every leading member was ambitious to distinguish himself by military enterprises. A people almost constantly exercised in arms may be taught the utmost submission to their general as long as they are engaged in actual service; but, when they are restored to the rank and capacity of mere citizens, they are commonly factious and turbulent, and ready to dictate in all the affairs of government. This was so much the spirit of the Roman people, that the seasons of peace, though few and short, were always attended with intestine convulsions and disturbance; and no expedient could be devised more proper for quelling them than a declaration of war against some foreign power, or the establishment of colonies. The very being of the Roman

man state was in some degree supported by these measures. The laws required a greater share of virtue and public spirit to enforce their observance than was to be found, or could be expected, among a victorious and flourishing people.

Agrarian laws were for many ages agreeable to the Roman populace, and commonly proposed by the tribunes, who courted their favour. After the times of the Gracchi, the distribution of the lands of a conquered country was generally opposed by the worthiest part of the senate, out of a principle of humanity, or for the sake of increasing the public revenues. But the removal of an indigent and seditious commonalty, by the establishment of colonies, ought to have outweighed all other considerations, and determined every well-wisher to his country to have encouraged so useful a design. And it might have been effected without any great injury to the vanquished, by taking from them, as was sometimes done, only a part of their lands (1). Confined to the city, the lowest part of the peo-

(1) Liv. Hist, l. ii. c. 41.

ple became the tools of every artful and seditious tribune, and at last the chief support of the ambitious patricians; and, if settled abroad, they might have been of real service to their country.

On a just comparison, the love of rule and dominion, which animated the Romans, will be found more beneficial in its consequences to every barbarous people they subdued, than the thirst of gain, which possessed all the ancient commercial states. These aiming to secure a monopoly in trade, or to disburthen themselves of a needy and licentious populace, placed them on the coasts of uncivilized countries, and looked upon them as their agents or factors, in trafficking with their barbarous neighbours. Unused to arms, their colonists seldom attempted to make any settlements in the interior countries, though a few merchants might resort thither for the sake of making an exchange of commodities. On the other hand, most of the Roman colonists, consisting of veteran soldiers, entered far into every country; they invaded, and spread arts and civility farther and

and more successfully than any other conquerors. By the assistance of these colonies and military stations, they kept the inhabitants in awe, and instructed them in the most useful branches of civilized life. And we may ascribe the quick civilization of the Western parts of Europe to these measures. Strabo prefers the Roman colonies to those of any other nation (*m*). And one reason for giving this preference may be justly ascribed to the choice which was made of colonists. Instead of the enervated and seditious citizens, sent out by the commercial states on the coasts of the Mediterranean, the Romans, in the time of their republican government, commonly selected the oldest soldiers, trained up in the discipline of an army, inured to labour and hardships, and fitted for the services of husbandry, and all the mechanical arts, which were necessary on the settlement of a colony. In after-ages, the legionary soldiers began to consider an allotment of lands in a distant province as unworthy of their acceptance, and as a measure cal-

(*m*) Strab. Geog. l. v. p. 210.

culated rather to banish than to reward them for their services (*n*). And, unhappily for the countries in which they chose to place themselves, agriculture began to be looked upon in the time of the emperors as an ignoble profession, and fit only for slaves and prisoners. During the last period of the republic, the populace of Rome was so necessary in the struggles for power, and afterwards so much carested and bribed by largesses under the emperors, that they became unwilling to settle in foreign and uncultivated countries. They chose rather to subsist on the tribute of corn and provisions brought from the provinces of their empire, and enjoy the public shews and entertainments, than submit to the labours of husbandry in a distant and perhaps unhealthy climate.

Here let us remark the difference of opinion between the antients and moderns on the subject of colonies. The former thought them necessary to extend or secure their commerce or conquests, or to free themselves from the burthen or dangerous

(*n*) Tacit. Ann. l. i.

designs of factious or useless citizens, and at the same time to give room for the growth and advancement of others. Modern states, equally fond of trade and empire, have been frequently disposed to consider colonization in a different light. It has been represented as detrimental to the parent-state, by diminishing its internal strength, and bringing on expences that are seldom repaid. The different nature of traffic, in ancient and modern times, has occasioned this diversity of sentiments. From the greater number of people in any country it is generally presumed, that cheapness of labour and manufactures must unavoidably follow; and this, it is urged, must give a preference to its merchandise in foreign markets, and almost establish a monopoly. Among the ancients, trade, being carried on not so much by cheap as scarce or costly manufactures, by the productions of art or nature peculiar to some countries, or by an exchange of commodities, depended little on the cheapness of labour or the number of people. They found greater advantages in settling their indigent citizens abroad, than

than by any addition they could make to their commerce at home by their number and industry. And it may be justly doubted, whether the establishment of colonies ever weakened or distressed the parent-country. The present state of Spain is commonly appealed to on this subject, whose weakness is attributed to the banishment of the Moors, and the removal of its inhabitants to America. But it has been observed, by a very competent judge, that the provinces of Spain, which send the greatest number of men to the Indies, are the best peopled (*o*); and it is questionable, whether its strength is not as great at present as in any other period, though it appears to be comparatively less by the advancement of other nations, which formerly were inferior to it in wealth and power. And the reason why it has not made the same progress as some other states, may be owing to the despotic nature of its government, and the want of a proper internal policy. As far as experience can inform us, it should seem as if no flourishing

(*o*) Ustariz's Theor. of Com. v. i. p. 46.

state was ever injured by sending out colonies. They may make an addition to the trade of the mother-country; and they give room for an increase in number and vigour to those who are left behind. The vacancy, they leave, is so soon filled up under a prudent government, that in a few years it is scarcely discernible. But every modern state in Europe seems to be so far prepossessed in favour of population at home, that it is rather desirous of increasing the number of its inhabitants by acts of naturalization, than of diminishing it by the establishment of colonies.

If we are surprized at the boldness of the Roman colonists in placing themselves in an enemy's country, we have no less reason to wonder at the small quantity of ground which they usually occupied. The landed possessions of the ancient Romans were scarcely equal to the garden of a moderate family in the present times; and when the lands of a vanquished state were divided among the citizens, the share of each was so trifling, as to require an uncommon degree of industry and skill in agriculture, in
order

order to derive from it a maintenance for their households. The smallness, however, of this allotment enabled them to unite more readily for self-defence, and to protect their possessions with greater ease. On their first settlement they formed a camp adjoining the lands they proposed to cultivate; and this by degrees was converted into a fortified town, to which they might retire in the time of danger with their cattle and effects. The great quantity of ground required by modern colonists, in order to supply them with provisions and other necessaries, has exposed them to many inconveniences, and made their possessions less defensible against the attacks of an enemy.

But, besides the advantage of occupying such a small portion of ground, the colonists, in the early ages of the Roman state, had been employed during a respite from military service in rural occupations, and were in every respect qualified for improving the lands where they settled, and for instructing their ignorant neighbours in the most useful branches of husbandry.

This had been the favourite employment of the most distinguished Romans in the virtuous ages of their history, and one of those arts in which they were ambitious to excel. A good husbandman was held in the highest estimation, and considered as an useful member of the state (*p*). On the taking of Carthage, they preserved the writings of Mago on agriculture, and ordered them to be translated into their own language (*q*). Even so late as the age of Tully, agriculture was held in some degree of repute, and recommended by him as a liberal profession, and not below the attention of a senator (*r*). But from his time the spirit of it began to decline so fast as no longer to be considered as a polite amusement. The spoils of the conquered countries, the imitation of Asiatic and Grecian manners, and the import of corn and provisions from the provinces, first brought this occupation into neglect, and in a few years into contempt. The care of the lands

(*p*) Cato de Re Rust. c. 1.

(*q*) Varro de Re Rust. l. i. c. 1. Col. l. i. c. 1.

(*r*) Tull. de Off. l. ii. c. 42. De Senect. c. 15.

was consigned to slaves, and the lowest of the people; and husbandry and hunting, which had been the amusements of the early Romans, were, by a contemporary of Tully, placed among the servile and ignoble employments (*s*): and agriculture never recovered its credit so far as to engage the attention of the Roman people. Augustus, and some of the best of his successors, encouraged it through views of policy. Virgil recommended it to his countrymen; and cloathed the most useful of its precepts in all the beauties of poetry; and succeeding writers laid down rules for the management of lands, which they had borrowed from Greek or Latin authors, or their own observation and experience: but their efforts proved ineffectual. The nobles were sunk in effeminacy, and oftentimes derived their safety from their sloth and vices: and the servile and lazy populace of Rome had too long been maintained by the products of the conquered countries to submit to the labour of cultivating their own lands.

(*s*) Salust. Bell. Cat. c. 1.

Agriculture, thus almost banished from Italy, flourished in the provinces of the empire, and supplied Rome with the greatest part of its provisions. Sicily, Africa, Egypt, and other countries, successively sent immense quantities of grain thither; and the more distant provinces paid their tribute of corn to the troops which were quartered there. Agriculture was therefore encouraged in the provinces both through interest and necessity. Whether it was, that the Romans looked upon the offices of husbandry as servile, or that the employment was best calculated to keep the people in subjection; it seems to be certain, that it was enforced in the provinces, and in some against the inclination of the inhabitants⁽¹⁾. Something must be attributed to each of these reasons. Every people, which cultivates its lands, must be in a great degree dependent on the will of their conquerors. As it is easy to deprive them of their property and subsistence, it is easy for the same reason to bind the chains of servitude the more closely. And by a natural

(1) Strab. Geog. l. vii. p. 315.

revolution in the manners of the Romans, the idea of slavery became annexed to an occupation, which was once considered as the badge of freedom. In the early ages of their history, almost every branch of trade and all the mechanical arts were allotted to slaves, and liberty allowed only to the profession of arms and agriculture. But when their conquests became extensive, slaves alone under the direction of an overseer were employed in all the offices of husbandry. Every corn country abounded with them. In Sicily, and all the cultivated parts of Africa, their number was almost incredible; and under the Emperors many of the provincial subjects were reduced nearly to the same state, and employed chiefly in raising corn for the use of the capital, or of the forces which were stationed there to keep them in subjection.

The ancient Romans, indeed, like most other nations, made great use of slaves in the cultivation of their lands; and as long as they directed and assisted them in person, they treated their fellow-labourers

with some degree of humanity ; but when husbandry began to fall into contempt by the influx of wealth and the spoils of foreign nations, the rigors of slavery were increased. Among the rules laid down for the management of lands by writers on husbandry, directions are given how to employ the slaves in the most beneficial manner, and derive the greatest profit from their labours. They were allowed to marry ; to possess a peculium or private property ; and the female slave, who reared above three male children, was emancipated (*u*). When sick or infirm, they were exposed by their masters upon an island in the Tiber, and had the wretched consolation to reflect, that with the recovery of their health they might regain their liberty (*w*). But notwithstanding they enjoyed some privileges, dictated rather by policy than humanity, their condition was far from being easy and comfortable. Cato, in his book on husbandry, lays it down as a rule of œconomy, to dispose of slaves in case of

(*u*) Columell. de Re Rust. l. i. c. 7.

(*w*) Suet. Claud. c. xxv.

debility or old age, like superannuated cattle, and replace them by others, who were younger and more vigorous (*x*). And yet this writer was distinguished for integrity and simplicity of manners; qualities, that are generally supposed to be indications of an humane temper, or at least inconsistent with a severe and cruel behaviour to inferiors and dependents. But men of rigid and inflexible virtue, biassed by the prevailing manners of those times, were frequently less disposed to feel and relieve the sufferings of another, than those who were debilitated by vice and effeminacy. The sale of slaves at Rome was always considerable, and charged with a tax by one of the Emperors (*y*). Some of these slaves were born in the families of their masters, and others were purchased in foreign countries, or reduced to slavery by pirates or the fortune of war. According to the maxims of those ages, the rights of conquest were carried so far, that the vanquished were entirely at the disposal of

(*x*) Cato de Re Rust. c. ii. Plut. vit. Cat. Maj.

(*y*) Tacit. Ann. l. xiii.

the victors, and the grant of life itself even in a state of slavery was considered as a favour.

As soon as the Romans were furnished with corn and provisions from their provinces, they began to follow the Grecian mode of employing their slaves in other occupations besides husbandry. In ancient times, every family supplied itself with the chief necessaries of life by their own industry and the assistance of a few slaves. As the capital and luxury increased, many articles of use or ornament, which were formerly unknown or neglected, became fashionable, and yielded a considerable profit to the artists and workmen, who were employed to supply the markets with them. In Athens, and some other Grecian states, slaves were employed in all the mechanical arts, and maintained their masters by the produce of their industry. In the time of the Peloponnesian war above twenty thousand Athenian slaves, chiefly mechanics, deserted their masters; and from hence we may infer, that they must have been extremely numerous at Athens (z). And other states of Greece

(z) Thucyd. Hist. l. vii. c. 27.

equally

equally abounded with them (*a*). In the later ages of the republic, the Romans began to employ their slaves in the Grecian manner. Crassus and Atticus entertained many in their service, and received great sums from the sale of their labours. A part of the wealth of both was derived from this source; at least they found greater profit by employing them to supply the city with articles of luxury than in cultivating the lands. And this is one reason why the most worthless and intractable of their slaves were engaged in the management of their farms, or sent into the country by way of punishment (*b*), while the more dextrous and obsequious were retained in the city, to support the grandeur of their masters, or to enrich them by their labours. In length of time, when the Romans began to entertain a great number of slaves for ostentation and shew, they occasionally treated them with great cruelty, and punished them severely for the slightest offences. The Athenians on the other hand

(*a*) Thucyd. l. viii. c. 40.

(*b*) Columell. de Re Rust. l. i. c. 1.

employing them chiefly in manual arts, found it to be their interest, on account of the profit derived from their industry, to treat them with mildness and humanity (c).

From these remarks on the history of Roman manners, it may be inferred, that the period of time when Claudius invaded Britain was very unfriendly to the cause of liberty, and the establishment of just and equitable laws among a conquered people. Despotism had seized all the departments of the state, and servitude had spread itself over every art and occupation, which required industry and attention. If, however, the civilized countries which fell under the domination of the Romans, suffered every species of oppression, the Britons derived some advantages from their invasion, by applying themselves to agriculture and other useful occupations, and learnt the rudiments of civilized life.

The Roman colonists, who settled in Britain, would undoubtedly apply themselves to the cultivation of the lands in their neighbourhood, and endeavour to

(c) Plin. Thef. De Superstit. Monteq. Esprit des Loix
l. xv. c. 16.

teach the natives by example their own
 mode of husbandry as far as it was appli-
 cable to the soil and climate. But the
 number of colonists was too small to have
 an extensive influence. Equal benefits arose
 from the legions, which were quartered in
 different parts of the island. As soon as
 the natives were reduced to submission, the
 soldiers would either till, or oblige them to
 assist in tilling, the adjacent lands, in order
 to supply themselves with better provisions
 than the coarse food of the inhabitants. In
 process of time, villages were built near
 these military stations; and such of the
 natives, as chose to imitate the manners of
 the Romans, put themselves under their
 protection, and cultivated their lands in
 greater security from the inroads of their
 countrymen than they could in many other
 places. And, for the better protection of
 the people, the troops were quartered in
 such parts as were best adapted for main-
 taining the internal peace and tranquillity
 of the provinces. As many Britons had
 retired into Wales and the northern parts
 of the island, and annoyed both the Ro-
 mans

mans and their countrymen by their incursions, the military forces were so disposed as to guard against them in the most effectual manner. The legions stationed at Gloucester, Chester, and Carlisle, and the walls and ramparts thrown up by Adrian and Severus, are instances of the care they took to preserve domestic tranquillity.

Writers have not told us with exactness what were the particular taxes or impositions, which the Romans laid upon the Britons. Horses, cattle, and grain, are said to have been paid as tribute; but corn was undoubtedly the principal article, and the most useful to the Romans. Their troops required it for their subsistence; and it appears, that they compelled the natives to bring in a stipulated quantity, and sometimes, through disgust or by way of punishment, obliged them to deliver it at inconvenient places (*d*). This tribute of corn, and the industry and labour required to raise it, were for a long time subjects of complaint amongst the natives, and gave occasion to insurrections.

(*d*) Tacit. Vit. Agric.

Their

Their leaders animated them to rebellion by dwelling upon these topics, which were heard with great disgust, as recommending labour and a settled residence, and thereby depriving them of their ancient mode of living by hunting and pasturage (*e*). And, to aggravate this imagined grievance, the Romans began a few years after their settlement in Britain to export grain to the continent. Being almost constantly engaged in hostilities with the Germans, corn became a necessary article to the troops employed against them; and Britain, by its situation, fertility, and certainty of its crops, was best adapted to afford a supply. And considering the state of the Britons at that period, this was the most useful and judicious tax that could be imposed. By obliging them to certain abodes and stated labours, it imperceptibly laid the foundation of civilized manners.

And wherever a successful civilization of a barbarous people has taken place, the same policy has been generally pursued.

(*e*) Ibid. Xiphil. Epit. Dion. p. 280.

They

They have been instructed in the arts of husbandry, and compelled to bring in a stipulated quantity of grain to the troops who were appointed to keep them in subjection. And it would have been a measure equally fortunate to the natives of North America and our colonists there, if the example of the Romans in this instance had been followed, and either interest or humanity had led us to instruct the inhabitants in agriculture and manual arts. Though they have now lived almost two centuries in the neighbourhood of our colonies, a slender change has been made in their dispositions and mode of life. They have adopted and improved upon some of the European vices; and, being supplied with strong liquors and arms, they are become more intractable, and less disposed to order and sobriety. Considerable sums of money have been collected for the purpose of instructing them in civility and religion: but there are no regular towns or villages to shew as the fruits of national benevolence. This is an event not to be expected, till the number of
wild

wild beasts is reduced, and the inhabitants are compelled to have recourse to the annual products of the ground for a subsistence. And, before this happens, the number of savages will, probably, be so far reduced, as to make room for European settlements. Unhappily for the savages and the colonists, the interest of trade and the pursuit of gain led the latter to encourage in the other their usual passion for the chase, and ancient manner of living. The exchange of furs and peltry for British commodities was found to be most beneficial and agreeable to both. And as long as these continue to be the chief articles of traffic, there is greater reason to expect, that the natives will be destroyed by domestic wars and foreign luxuries and diseases than reduced into regular societies. The Romans are said to have civilized and instructed in the useful arts of life every barbarous people whom they subdued (*f*); it may therefore be justly doubted, whether their care in these respects was not more advantageous to an ignorant and sa-

(*f*) Strab. Geog. l. ii. p. 127.

vage people than the spirit of trade, which has now possessed almost all the nations of Europe, and whose immediate interest is preferred to every other consideration.

Nor were the Romans less useful to the Britons, in making public roads, and opening a ready communication with the most distant stations of the soldiers. In the care of these, they were superior to most other nations (*g*). And though they were made for their own convenience, they became of equal service to the natives. Some public advantages too arose from the destruction of the woods by the introduction or improvement of salt works and forges in different parts of the kingdom. The woods had formerly served as a shelter to the inhabitants from the inclemency of the weather, and afterwards encouraged them to rebellion by affording a retreat from the pursuit of their enemies. And, at the same time that this destruction of woods made room for pasturage or the growth of corn, it helped to lessen the number of wild ani-

(*g*) Strab. Geog. l. v. p. 235.

rich
of
is
the
en-
most
care
her
made
e of
blic
tion
im-
s in
oods
e in-
wea-
n to
the
ame
made
orn,
ani-
imals

quantity of corn or a greater number of tame cattle.

Camden and others have imagined, that the Romans planted vineyards, and made considerable quantities of wine. In his account of Gloucestershire he tells us, “ we
“ are not to wonder, that so many places
“ in this county from their vines are
“ called vineyards, because they formerly
“ afforded plenty of wine; and that they
“ yield none now is rather to be imputed
“ to the sloth of the inhabitants than the
“ indisposition of the climate (*b*).” It is not improbable but the Romans might make a tryal how far vineyards would succeed in Britain. Tacitus, indeed, had observed, that our climate was unfit for ripening grapes, olives, and other fruits peculiar to the warm countries (*i*). But points of this kind are sometimes better determined by experiments than by reflections on the nature of the soil and climate. In favourable seasons our vines might yield a small quantity of ordinary wine, but such

(*b*) Camd. Gloucest.

(*i*) Vit. Agric.

as would scarcely repay the expences of cultivation. From later tryals it is now well known, that the observation of Tacitus still holds good; and, as the editor of Camden's *Britannia* very justly remarks, our vines are more proper for shade than fruit.

If the Romans did not find the success they expected in planting vineyards, they met with it in the culture of many fruit and timber trees, which they brought from Italy or Gaul. It is almost universally agreed, that all our valuable fruit trees were gradually brought from abroad, as many of them had been formerly removed from other countries into Italy itself. And we are perhaps not less indebted to the care of the Romans for some of our timber trees, though they are now looked upon as coeval with the state of ancient Britain.

Many foreigners usually flocked into a conquered country, not only for the sake of plunder and the purchase of slaves and captives, but to carry on a more honourable traffic; and, as few and trifling as the

commodities of Britain were in those times, the number of Romans a few years after their settlement here was very considerable. In the general massacre of them under Boadicea they are said to have amounted to eighty thousand (*k*). And even at that early period London was distinguished for its trade (*l*). And though the genius of the Romans was not calculated for promoting commerce in Italy or the provinces, trade would nevertheless be so far encouraged in Britain as to be in some degree beneficial to the natives, by shewing them the use and value of their own products, which had been formerly overlooked, or collected only in small quantities. Mines of copper would be opened, salt-works erected, and the ancient mines of tin, lead, and iron, would be wrought to greater advantage by the assistance and instructions of the Romans. And at the same time the quantity of these and all other articles of traffic

(*k*) Xiphil. Epit. Dion. p. 277.

(*l*) Tacit. Ann. l. xiv.

would be enlarged, in order to supply the new wants of the natives, or gratify the avarice of their masters. The Britons, in their original state, not feeling the want of any other clothing than the skins of their own animals, or unacquainted with the use of many foreign commodities, could not make trade an object of their concern, or interest themselves farther in it than to acquire by barter a few trifling articles. With the progress of civility their wants increased, and required a supply from their own industry, or by imports from abroad in exchange for their own productions. In their primitive state, as the mere necessaries of food and cloathing were their principal wants, a slender degree of labour and application would furnish an adequate supply; but, when they began to imitate the Roman manners, their wants became more numerous, and called for attention and diligence, to gratify them even in a very imperfect manner. Richer cloathing, more convenient buildings, and a more elegant and expensive mode of living, gave occasion to many arts, and the exercise of an indus-

try unknown to their ancestors. But it seems to have been the policy of the Romans in all their conquests rather to oblige the people to be contented with their native products and manufactures, than to encourage an exchange with other nations. If commerce alone, according to the modern maxims of Europe, can lay the foundation of a naval power, the fleets of the Romans, in the republican times of their government, must appear to be very extraordinary. Neglecting or despising all the advantages of a trade with foreigners for several centuries, they contented themselves chiefly with their own coarse manufactures, and the productions of their own country. Few merchants were able to find a sale for the rich manufactures of the East, or even for those articles which are usually looked upon as necessaries in a state of polished manners. And, as the early Romans had few wants that required a supply from abroad, they had as few commodities to give in exchange. Frugal, parsimonious, and plain in their dress and diet, they held the greatest part of the

6

imports

imports from foreign countries to be articles of luxury, and tending rather to corrupt their manners, than add to the ease and accommodations of life. Slaves were the most considerable article in their imports: and, in later times, an immense quantity of corn and provisions from the provinces of their empire. Their riches flowed in from the spoils and revenues of the countries they had enslaved, and not from any industry of their own to acquire them by traffic; and, if their naval power appeared formidable at any time under the emperors, it was rather owing to the encouragement they gave to the import of corn, and the care they took to depress trade in the provinces, and prevent the rise of a marine that might cope with their own, than to wealth brought in by foreign commerce. It was not till after the conquest of Carthage, Greece, and Egypt, that the interest of trade became an object of their attention; and even the little regard that was then paid to it was more owing to particular governors of provinces or to private

persons, than to any assistance or care bestowed upon it by the state.

In ancient times almost every Roman family supplied itself with the chief articles of food and cloathing by their own industry. The female part of the family manufactured the apparel, while the other part of it was employed in the cultivation of the lands. In later ages, each of these offices was allotted to slaves and domestics, who were retained for these purposes, and were oftentimes extremely numerous. How necessary they thought them to be for their interest or grandeur, may be collected from a particular instance. On the destruction of Corinth and Carthage, the immense sums of money which fell into their hands were chiefly laid out in the purchase of slaves (*m*). So great was the demand for them, that ten thousand were sometimes sold at Delus, in Cilicia, in one day (*n*). Though the Romans were incessantly boasting of their liberty, they

(*m*) Strab. Geog. l. xiv. p. 668.

(*n*) Ibid.

were labouring to reduce their neighbours to a state of servitude ; and the number of their slaves in almost every period of their history equalled or surpassed the number of citizens. In such a nation it was almost impossible that trade should flourish. The unequal division of riches and property, and the mean and narrow circumstances of the people, formed insuperable obstacles to its progress. Wherever slaves alone are employed to supply their masters with the principal articles of food, cloathing, and other necessaries ; and at the same time where the freemen in general are held in a state of poverty and dependence ; it is vain to expect a vigorous commerce. This requires the most extensive freedom, and almost entirely depends on an equal distribution of riches among the several members of the state. An opulent nobility, attended and supplied by a train of slaves, and a needy and dependent commonalty, must always check the spirit of trade, and keep it in a very languid condition. The principal imports will chiefly consist of mere luxuries, which always employ a small

small number of vessels, and meet with few purchasers. And, if we except corn, the chief imports of the Romans, even in their most flourishing state, were of this kind. They were brought from the East, and procured by remittances of gold and silver, instead of being exchanged for the manufactures and productions of their own country. They had, indeed, such a small number of commodities to give in exchange, that an extensive trade would soon have reduced them to a state of bankruptcy, if they had not been supported by the plunder and revenues of their provinces.

As the severity and simplicity of manners among the ancient Romans made commerce almost unnecessary; so observations on the genius and fate of trading states gave them a disgust to it as long as the republic subsisted. Carthaginian perfidy, which passed into a proverb, was not so much owing to the breach of treaties, or the unsteadiness of a democracy, as to the spirit of a trading nation, that was always ready to sacrifice every thing to immediate gain. The same spirit took possession

session of the Greeks as soon as their commerce became extensive, and brought them under the same reproach. The philosophers were disgusted at the maxims and manners it introduced ; and, in their ideal forms of government, proscribed it as useless or pernicious, or referred it to the care of slaves (*o*). What the Grecian philosophers recommended in their visionary plans of policy, the Romans in a great measure put in execution. So long had this unjust notion of trade prevailed, and so deep an impresson had it made, that it subsisted to the time of Tully. He speaks of agriculture with the greatest respect, and places it among the liberal professions ; and at the same time treats the merchant with a kind of slight, and the retail trader with the utmost contempt (*p*). Reflections of this sort might become a philosopher ; but in modern times they would be thought surprising in a man, who was con-

(*o*) Plato, de Rep. l. ii ; de Leg. l. viii. Arist. Pol. l. iii. c. 4. l. vii. c. 9. l. viii c. 2.

(*p*) De Offic. l. i, c. 42.

versant in public life, and understood the interests of a state. He is writing, indeed, to his son, to whom every branch of traffic might be considered as dishonourable, and inconsistent with his station. On this subject Tully's rank, philosophy, and love of ancient manners, tempted him to lay down such rigid maxims in the conduct of trade as were incompatible with the general spirit of a commercial people (*q*). His sentiments on this subject do honour to him as a man of probity, and might be gravely inculcated in a company of philosophers, but would be slightly attended to on every exchange in modern Europe.

When we reflect on the riches and extent of the Roman dominions in the later ages of the republic, or under the emperors, we are justly surpris'd at the low state of commerce. An empire so populous, and so connected in all its parts, it might be imagined, would have carried on a prodigious traffic, and furnished a marine superior to that of any modern state. And

(*q*) De Offic. l. iii. c. 12, 13.

yet it may be doubted, whether the present trade of England, France, or Holland, is not more extensive, and does not employ a greater number of vessels, than the whole commerce of the Roman empire in any period of its history. And one reason is, that though many subjects were extremely opulent in the time of the emperors, yet the number of slaves was not diminished: and the body of the people in the capital and provinces was in too mean and indigent a condition to encourage an extensive commerce by the purchase of foreign commodities, or too slothful, through penury or oppression, to supply the markets abroad with their own manufactures. The only branches of commerce, which seemed to merit the public attention, were the Indian and corn trade. The duties and imposts which were levied on the former tempted the emperors to promote it, and the constant wants of the city obliged them to the care of the other. The capital of this mighty empire, by its populousness, and the neglect of agriculture in Italy, was dependent on its provinces for the greater part

part of its bread and provisions, which being sometimes with-held by the governors, reduced the people of Rome to great distress. The utmost attention was therefore paid to the corn trade by the emperors, and particular indulgences granted to the merchants and mariners who were engaged in supplying the city with grain. And, in some respects, the policy of levying a considerable part of the provincial taxes in corn, instead of money, was not without its use. Almost all the provinces were by this means stocked with husbandmen, and in this capacity met with some degree of encouragement and protection: and the natives of many countries, where agriculture had been slightly attended to, were trained up in an useful occupation; and, though treated almost as slaves, were gradually enured to a state of order and civility.

This was the case of the Britons. They were obliged to apply themselves to the cultivation of the lands, and in length of time reaped considerable advantages from it. If the first accounts of Britain represent

sent it as wild and uncultivated, and the inhabitants as ignorant and barbarous, later writers have given us no disagreeable descriptions of both. The Britons began to imitate their masters in dress, letters, and other accomplishments; and, though these are the proper instruments for establishing servitude, they are the means of civilization, and the necessary attendants on a state of polished society (*r*). Regular towns and villages were built long before the Romans quitted the island; and the Britons are said to have made so great a proficiency in the mechanical arts, that Constantius, after the victory over Allectus, removed many British artificers and mechanics into Gaul, to carry on some public works he had begun in that country (*s*). And if the Britons surpassed the Gauls in this respect, they equalled or excelled them in agriculture. The country was so well cultivated as to become the granary of the western parts of Europe.

(*r*) Tacit. Vit. Agric.

(*s*) Pancg. Max. Aug. dict. p. 250.

The Roman garrisons on the frontiers of Germany were usually supplied with corn from hence; and though this trade met with some interruptions, yet the emperor Julian removed them, and made the conveyance more easy. He employed eight hundred small vessels in transporting corn to the continent (*t*). From this circumstance we may form an idea of the British agriculture in those times, and of the great improvements that were made in it by the aid or instructions of the Romans. And it deserves to be remarked, though no uncommon event in the revolution of human affairs, that the trade in corn, which then distinguished Britain, like some great river long diverted from its course, should, after an interruption of above a thousand years, return to its former channel, and enrich the same country.

If the conjectures of some learned antiquaries may be depended on, equal care was taken of the inland trade in corn. According to them, a navigable canal was

(*t*) Zof. Hist. l. iii. Amm. Marcell. l. xviii. c. 2.

made from Peterborough to York, by which grain was conveyed from the southern counties with greater ease and expedition than it can be at present. A work of this kind would have done honour to the Romans in the most flourishing ages of their empire; but the reality of such a navigable canal is liable to so many objections, that few persons will be disposed to believe it, unless the evidence for it was clearer, or better authenticated (*u*).

At the time of Cæsar's invasion few of the British inhabitants, except such as had removed from Gaul, or adopted the modes and fashions of that country, wore any other clothing than the skins of animals; and though the same dress might for a time prevail after the Roman conquest, yet this would gradually give way to the use of woollen garments, and introduce or improve the natives in the art of weaving. We have nevertheless slender reason to presume, that the manufacture of wool was so far carried on as to admit of exportation,

(*u*) Drake's Hist. of York, p. 37.

though a quantity of cloth might be made sufficient to supply the soldiery, and some of the natives (*w*). And the same remark may be applied to almost all other articles of traffic that required attention and industry to fit them for use. Men, who have been enured to a vagrant life, or have subsisted chiefly by pasturage and the acquisitions of the chase, are not easily brought to submit to application and labour in a sedentary profession. Civilization, and the numerous train of wants it introduces, can only produce this effect, and make industry as habitual as it is necessary in this state. If it should be supposed, that the Britons were inclined to exert all the skill and diligence required among a trading people, the military and despotic power exercised over them by the Romans was not calculated for promoting commerce at home or abroad. To carry on this with success, many privileges and immunities were necessary both to the merchants and

(*w*) Camd. Brit. vol. i. p. 96. 137.

people. And, as these indulgences were generally thought to interfere with the rights they assumed over a conquered nation, they were rarely granted in so ample a manner as to answer this purpose.

Amidst, however, these and other discouragements to the propagation and advancement of arts and industry, we have authentic proofs, that the value and importance of Britain were so well understood by the emperors, as to engage their care to preserve the civilized parts from the invasions of the Scots and Saxons. At the same time, its fertility and the number of its flocks and herds were made subjects of panegyric, and it seemed to vie in useful riches with the best provinces of the empire. So lavish were some writers in its praises, that they looked upon it as one of the fortunate islands, which was as likely to be found here as in any other part of the then known world (*x*). After making all due allowance for the characters and

(*x*) Paneg. Const. Constant. fil. dict. p. 223. et Max. Aug. p. 242.

situation of these panegyrists, who seldom scrupled to compliment their masters at the expence of truth, we may safely conclude from their accounts, that Britain had received great improvements, and abounded with all the necessaries and conveniences of life.

Before we proceed to the Saxon history, it may be of use to make a few remarks on the effects of the Roman government in the conquered provinces. Though the civilization of a barbarous people, by whatever means it is accomplished, may be considered as beneficial, it is nevertheless commonly attended with some disadvantages, when introduced by force, and the exercise of a foreign power. Checking the native genius of the people, and compelling them to imitate rather than invent, few nations have excelled in the arts and improvements of life under these circumstances. Such of the Grecian states as were unawed by a foreign power, and gradually improved themselves in civility and science, gave room to the efforts of genius, and excelled every nation that was instructed by
the

the Romans in arts and humanity. Among a people just advancing from barbarism, it has rarely happened, but some remarkable productions of superior abilities have appeared, and for a time become national models. Self-taught, and unconstrained by rule, they give way to the fallies of genius, and, though irregular in their productions, have been the admiration of more enlightened ages. But neither the Britons, nor any of the Northern nations, which fell under the Roman yoke, distinguished themselves by superior attainments in arts or science. Ruled by a military power, and reduced to the capacity of slaves and dependents, they adopted the barbarous taste of their masters. Nor could such a violent government have a more benign influence on trade, husbandry, or even the mechanical arts. Commerce can never flourish where the greatest part of the people is held in a state of servitude. And husbandry, when carried on by slaves, will always continue in a languid state, and feel the pernicious effects of a despotic power. Self-interest in this, as in every other oc-

H 3

cupation,

cupation, must animate the labourer, and lead him to exert his abilities and industry in making every improvement that promises to terminate in his own benefit. And it may be added, that by stocking the lands with a great number of slaves, in order to derive a profit from their labours, and obliging the provincial subjects to apply themselves almost wholly to agriculture, with a view to retain them in subjection on the easiest terms, many inconveniences resulted from this policy. On the invasion of an enemy, the greater part of the inhabitants, flattering themselves with the hope of regaining their liberty, or of improving their condition, was always ready to revolt, or to make a feeble opposition. We may ascribe to this cause the facility with which Sicily was so often conquered or invaded by different states, and the cultivated parts of Africa were subdued by the Romans. And it was in some measure owing to this servile application to husbandry by the inhabitants of Gaul and Britain, that they were so easily conquered by the Northern Barbarians. Most of the people held in a
state

state of vassalage, and having scarcely any property of value to defend, or few of those inducements which animate men to exert themselves in the defence of their country, either fled with their masters on the appearance of an enemy, or tamely submitted after a slight resistance.

If in these respects Britain shared the fate of every other country, which fell under the domination of the Romans, in some instances it enjoyed peculiar advantages. Divided from the continent, and secured from the depredations of the Scots and Saxons, it had possessed a state of tranquillity unknown to almost every other part of the Roman empire, and improved in arts and knowledge; while more civilized nations under the same government, after the loss of liberty, sunk into a state of ignorance and barbarism. And in some degree this became the fate of the Britons by the long continuance of a foreign power, and the exercise of a policy over a conquered country, that produced in the end the most pernicious effects. It was almost an invariable maxim in the Roman govern-

ment to deny the use of arms to every people they subdued, and oblige them to depend on their assistance and protection against invaders. Such of the natives as had a martial spirit were admitted into their troops, or formed into legions; but they were generally employed in foreign service, and never left at home to rouse their countrymen to shake off the yoke, and assist them with that military skill and discipline they had learnt from their masters. Necessity justified the expedience of this measure as long as the spirit of rebellion subsisted in the country they had lately subdued; but, as soon as this was extinguished, true policy required the pursuit of different measures. The Romans having nothing to depend on but a number of turbulent and factious troops, that were placed on the frontiers of the empire, exposed their subjects to all the ravages of the Barbarians on a single defeat. The inhabitants, unable to defend themselves, or assist the Imperial forces, served only to add to the consternation, or joined themselves to the invaders, in hope of partaking of the plunder.

plunder. If, instead of debarring the subjects from military service, and enuring them to all the enjoyments of ease and servitude, they had been permitted to avail themselves of their own courage, and instructed in the use of arms, in order to defend their native country, a stronger barrier would have been formed against the attempts of their enemies than could have been made by their mutinous legions. Perhaps a regulation of this kind might have helped to restrain the insolence of the soldiery, and occasionally preserved the tranquillity of the whole empire. The severity of military discipline had maintained the reputation of courage in the Roman troops, which was once the portion of all the citizens of Rome, and the produce of public spirit; and it subsisted in the army after it had been almost entirely lost in the citizens, and a blind and implicit submission to the will of the emperor was considered as the most valuable quality in a subject. And there is no doubt but the servile spirit, which so universally prevailed, was introduced by the continued exercise of a military power,

power, that gradually extinguished a sense both of liberty and virtue.

On the departure of the Romans, the Britons found themselves in the same state as the inhabitants of the frontier-countries in the Western empire; dispirited, cowardly, and fonder of ease than of independence and freedom. They had now so far degenerated from the spirit of their ancestors, that they were unable to defend themselves against their Northern neighbours, whom they had once resembled, and equalled in military skill and courage. And it is not unusual in the transition from savage to civilized manners, when made by a foreign power, that men should be as pusillanimous in the latter state as they were intrepid in the other. A native ferocity prevails among all the savages of the cold countries; and a resolute and steady courage is commonly to be found in a more improved state of life. The first quality is the gift of nature; but the latter can be acquired only by experience and the use of arms.

CHAP. III.

REMARKS UPON THE LANDED AND
COMMERCIAL POLICY OF ENGLAND
UNDER THE ANGLO-SAXON GO-
VERNMENT.

IF the Romans have been censured for the servitude they introduced in all their conquests, the Saxons and other Northern nations have been commended for their spirit of freedom; or at least they have been considered as scattering the seeds of that liberty which, in succeeding ages, were brought to maturity (*a*). Their military skill and even their virtues were much greater than could be expected from

(*a*) Montesq. Esp. des Loix, l. xvii. c. 5.

the

the rudeness of their state. Though possessing all the fierceness of Barbarians, they excelled the subjects of the Roman empire in the observance of many moral duties. With the loss of liberty these had contracted the vices of slaves, and all the proper qualities for keeping them in a servile condition. But, whatever respect these hardy invaders from the North may obtain on account of their martial qualities, or particular virtues, the regard which they paid to the liberty of the people they subdued, or even to their own commonalty, seems not to have been so great as to deserve equal commendation. The freedom they enjoyed or granted to their new subjects was rather a consequence of their manner of life, and imperfect notions of government, than the result of deliberation and design. The Romans, in order to keep a conquered people in subjection, compelled them to settle in cities and villages, and to cultivate the ground. On the other hand, the Saxons and Northern barbarians, destroying many of the cities and populous towns in the countries they invaded, and

addicting themselves chiefly to pasturage and hunting, must necessarily abolish a great part of the servitude established by the other. If any other people, equally barbarous, should settle in a flourishing and populous country, and introduce the same mode of life, the consequence would be nearly the same. Most of the natives must either be exterminated or banished, whilst their conquerors lived in that savage freedom which is generally attendant on a martial and pastoral life.

In every hord of savages an unbounded freedom must take place. Authority can be derived only from age, experience, or approved courage; and though these may persuade, they can never compel. And wherever men subsist by pasturage, it is scarcely possible to divest them of the rights of freemen. If there is any exception to this remark, it is to be found among the Tartars, over whom their chieftains are said to exercise an authority much greater than seems to be consistent with their mode of life (*b*); but yet their

(*b*) Montesq. *Esp. des Loix*, l. xviii. c. 19.

condition is far from being servile. The openness of the country, rankness of the soil, and consequent populousness, enable their leaders, who are commonly distinguished for their wealth, to usurp a more extensive jurisdiction over their inferiors than is usually the case in woody and mountainous countries, where the inhabitants are neither so numerous nor so tractable. Among these the power of the chieftain is extremely limited; and the form of government, if it deserves the name, approaches to a democracy. It is chiefly in countries where agriculture is exercised, and large towns have been built, that despotism can be established. It has seldom prevailed among nations who derived a great part of their subsistence from pasturage and hunting. For this reason the Germans, and other nations of the North, possessed a greater degree of freedom than the more civilized inhabitants of the South, till they adopted their arts and manners. Averse to living in cities, and unskilled in husbandry and commerce, and all those sedentary occupations which tend

to

to introduce vassalage, they must unavoidably retain a great portion of their original freedom, in whatever country they settled, as long as they confined themselves to their ancient mode of life. This is the chief merit they can claim as assertors of liberty and enemies to despotism. They no sooner applied themselves to husbandry, and settled in regular towns, than they reduced the inferior orders of people to the same state of dependence and vassalage as the Greeks and Romans had done before them in their several conquests.

It is not possible to collect, from any authentic records, what form of government was established among the Saxons in their native country, or what regard they paid to commerce, or the cultivation of the ground. Among their neighbours, the Germans, whom they probably resembled in character and manners, husbandry was held in the lowest estimation (*c*). Preferring the exercise of arms to every other occupation, and annexing honour and free-

(*c*) Cæs. B. G. l. vi. c. 21.

dom to this profession alone, they looked upon all the branches of agriculture as beneath their notice, and fit only for the employment of slaves, or of the old and infirm. One of their tribes left the care of their lands to their vassals or captives, or to such of their countrymen as were unfit for a military life, or obliged to submit to so servile an office. Allotting to each of these a small parcel of land, they received a stipulated quantity of corn, cloth, or a certain number of cattle, in lieu of rent. Neither would they allow of a fixed and distinct property in their lands, but annually divided them among the people. The nobles or chieftains allotted to each a certain portion; and, after one year's residence, removed into other parts of the country (*d*). Like many other barbarous nations they depended for subsistence upon their flocks and herds, and the natural productions of the soil, rather than the labours of the husbandman. And it seems to have been a prevailing notion, among

(*d*) Cæs. ubi supra. Tacit. de Mor. Germ.

all the Northern nations, that too great attention to agriculture tended to introduce manners, which they looked upon as infallible steps to effeminacy and servitude.

We learn from Tacitus, that one of the hords in the Northern parts of Germany attended more to the cultivation of the lands than such of their countrymen as lived on the borders of the Roman empire (*e*). As the soil was less fertile, or the climate more unkind, they were obliged to be more industrious in providing a maintenance; but it is doubtful whether the Saxons ought to be placed in this number. It is, however, extremely probable, that they followed the customs of the Germans, and left the management of the lands, and the exercise of manual arts, to slaves and captives. Many years before the final departure of the Romans from Britain, all the North-west coasts of Europe, not immediately in their possession, were the rendezvous of pirates and freebooters, who subsisted chiefly by rapine and plunder. In these Northern

(*e*) De Mor. Germ.

countries there were troops ready to embark in any enterprize that afforded a prospect of spoil, or a settled abode. The Saxons, in some measure debarred by their situation from signalizing their courage by land, became pirates; and, during the declining state of the Western empire, distinguished themselves by their depredations on the coasts of Britain, and the Southern parts of Europe. And as the inhabitants of the North had been constantly increasing from the time that the Romans invaded some provinces of the East and Germany, so they had been improving in military skill and navigation, and preparing themselves for the execution of greater projects than pillaging the defenceless towns on the coasts of Gaul or Britain.

If the Romans had been succeeded in Britain by a nation which understood the art of making a conquered country useful, many of their laws and regulations might have been adopted, on account of their utility; but the Saxons were either too ignorant in the art of government, or too much devoted to their ancient manners, to

I follow

follow the example or institutions of their predecessors in conquest. And in some respects their measures could not be exactly pursued. The Saxons, like other northern nations who emigrated into the south, were attended by their wives and families; and, having no idea of making a vanquished people useful, except in the capacity of slaves, saw no other advantage of a conquest than in the settlement and subsistence it afforded immediately to themselves and their households; and on account of their want of skill in husbandry, and passion for the chase, a large tract of land was required for these purposes. They therefore endeavoured to exterminate or banish the inhabitants, wherever they proposed to settle, not only that they might live in security, but enjoy the pleasures of the chase with greater freedom.

How justly the Saxons were branded with cruelty may be in some measure collected from their language. Wherever the Romans settled, the introduction of their own manners and tongue was employed as

one of the means of civilization ; and the more rude and ignorant the natives were, and of consequence the more scanty their language, the greater number of Latin words must of course be introduced ; and yet there is scarcely a country, wherein the Romans resided so long as in Britain, in which there appear fewer marks of their settlement than in the language of the Saxons. If a considerable number of Britons and Romans had been permitted to live in the country, the effects of their languages would have been more discernible in the Saxon tongue. The names of such arts and utensils as were used by the natives, or communicated by the Romans, would have been retained by the common people, who seldom entirely change the names of things that are of general use, but frequently preserve them amidst the violence and revolutions of a conquest. Some words, indeed, of a Roman origin, are observable in the Saxon language ; but many of them were introduced after the establishment of the Christian religion ; and

and they are so few as to afford a presumption that, according to the accounts of historians, the greatest part of the British and Roman families was either banished or put to the sword. For this reason we may justly expect to find more German than Roman customs in the Saxon management and application of the lands.

As the attendants and companions of the Saxon chieftains or generals in their military expeditions entered voluntarily into the service, it is natural to infer that they would consider themselves as partners with them in plunder or conquest. And it seems to have been a custom among all the northern nations, on their settlement in the Roman provinces, either to divide the lands by lot, or assign to each a portion according to his rank, interest, or valour. After the allotment to the leader or general, the nobles or officers in the army seized or took possession of other portions, and divided them among themselves and their followers. And as the armies of the northern nations usually consisted of a kind

of clans or families united together; on their dispersion over a conquered country they endeavoured to keep up the alliance, and settle in the neighbourhood of their chieftain, as well through affection as to be in readiness to attend him on every military summons.

This mode of dividing the lands is natural enough among a barbarous people, uninstructed in the form of a regular government, and conquering only for the sake of a settlement. To provide for their safety against the attempts of the natives, their first institutions must necessarily have a martial cast, and dependence and subordination be enforced rather on military than civil motives. When assistance was required against foreign or domestic enemies, all persons qualified to bear arms were convened, and the plan of proceeding settled according to the sentiments of the majority (*f*).

As it was impracticable to levy pecuniary aids, for the maintenance of the

(*f*) Tacit. de Mor. Ger.

prince or chieftain, among a people whose trade was carried on chiefly by barter, and consequently where money was scarce, a portion of land was allotted to him for this purpose. This was a custom established among one of the ancient tribes in Germany (g); and it prevailed in a great degree among all the princes of the Anglo-Saxon race. The demesnes of the crown were extensive, and afforded all, or the greatest part of, the necessaries required for the support of the king, without levying taxes on the subjects. A part of the fines for trespasses and offences, which were settled by law or custom, was paid to the king; and in later times, on the invasion of the Danes, when the crown-lands had been very much diminished by grants to the nobility and religious houses, a land-tax was levied under the name of Dane-gelt. Notwithstanding these contributions of the subjects, the chief supplies for the king's maintenance were drawn from the lands annexed to the crown. There is an

(g) Tacit. de Mor. Ger.

ordinance so late as the time of Canute, wherein he enjoins, that his household should be supplied from his demesnes, and nothing taken from the subjects without their consent (*b*). And the same order continued to be observed till the time of the Norman conquest.

The same force of military discipline, which kept the early Saxons in some degree of subordination, would at the same time introduce an inequality in riches as well as in rank and power; and in the division of the lands the same inequality would be readily admitted. As all lived on their own portion of land, without paying stated levies to their leader or his officers, it became necessary to submit to an inequality in the distribution of the conquered lands, that every one might hold them free from the imposts and duties required in more civilized countries. And the respect paid to the nobility, and the honourable descent of the Saxon generals from a race of princes,

(*b*) Leg. Ang. Sax. p. 144.

whom

whom they revered as gods, would for a time create a distinction in their favour on the allotment of the lands, and entitle them to a share proportioned to their rank.

On the first division of the country, the principal part of the demesnes of the king or general were probably contiguous to his usual place of residence; but in later times they consisted of particular farms and districts, that lay at a great distance from each other. After the dissolution of the heptarchy, the kings had estates and customary rents in money, provisions, or services, in almost every county. But the ancient Saxons were so far from having an idea of rents paid in money, that, antiquaries have observed, the word *feorm*, or farm, originally signified victuals or provisions (i).

The arable lands were usually divided into hydes, and these again into lesser portions. An hyde is generally supposed to have contained about an hundred and

(i) Spelm. Gloss. v. FIRM.

twenty acres ; but, as the real quantity was uncertain, it is commonly described to imply such a portion of ground as was sufficient to employ a yoke of oxen, or maintain the family of a freeman (*k*). On whatever account this division was brought into use, it was applied to other purposes besides the admeasurement of lands. As the possession of a certain number of hydes was usually required to entitle any person to the rank of a thane, and as every order of men had their price or weregild on occasion of murder, and the credibility of their oaths in some judicial cases was estimated according to their estates ; this division was of use in settling these points. And it is not unlikely but it was originally designed, as it was in later times employed, to determine with what number of men and horses every landowner should attend the army, when called into service ; and, some time before the Norman conquest, it served to regulate the land-tax or Danegelt.

(*k*) Chron. Bromt. p. 887. Ann. Waverl. p. 133.

The kings thus retaining such a portion of land as was necessary for supplying their household with provisions, divided it into farms, some of which they let to the ceorles or ploughmen, according to the custom of the Germans, on the condition of delivering to their officers a certain number of cattle, a stipulated quantity of corn, and other provisions for the kitchen and stable (*l*). These were brought at stated times to the king's place of residence, and probably regulated in such a manner as to succeed each other.

But the number of these ceorles, or farmers, seems to have been very inconsiderable. It was almost a general custom among the great landowners to take a large part of their estates under their own management, and stock them at their own expence with men, cattle, and all the instruments required in husbandry. The farms were then put under the care of a reeve or overseer, who either received the chief profits for the use of his master, or agreed by

(*l*) Gerv. Tilb. p. 399.

contract to supply him with a certain quantity of grain and other provisions. In this respect they were widely different from modern farmers. As they entered upon the lands already stocked with plowmen, cattle, labourers, and all the implements of husbandry, when the lease expired, or the principal tenant was willing to relinquish the farm, an order or law was made on what terms he should leave it. If he rented twenty, ten, or three hydes, he was enjoined to leave one half of them sown. It was also ordered, that sheep should not be clipped before Midsummer, or that the fleece should be sold for two pence (*m*). It appears very probable, from these regulations, that the lands in general were stocked by the owners; and the tenants obliged, on quitting them, to leave them in the same state wherein they found them upon their admission. To prevent frauds among the tenants, when they relinquished their farms, a time was fixed by law for clipping their sheep. And for the same reason it may be inferred, that the cottagers,

(*m*) Leg. Ang. Sax. p. 25.

glebe tenants, and slaves, who were the real managers of the lands, as well as the utensils of husbandry, were considered as annexed to the premises, and not removeable, when the lease of the principal tenant expired.

In the laws of Ina we have an account of the rent or quantity of provisions which every hyde was appointed to furnish, tho' the weights and measures are extremely uncertain. The occupier of ten hydes was enjoined to pay ten barrels of honey, three hundred loaves, twelve stands of Welch ale, and thirty of a weaker sort, two oxen or ten wethers, ten geese, twenty hens, ten cheeses, a barrel of butter, five salmons, twenty wey of fodder or provender, and an hundred eels (*n*).

Though this law is supposed to fix the rents of lands in general, it is much more likely that it refers only to particular tenants, and was never universally observed by the kings or their subjects. As the Saxons, like most of the Northern nations,

(*n*) Leg. Ang. Sax. p. 25.

were

were fond of mead, a quantity of honey was an usual rent imposed on tenants; and salted fish being very much used as a winter provision, was equally required; on which account fisheries in the rivers or upon the coasts became of considerable value.

The rent or provisions required by this law of Ina serve to shew, that the ease or convenience of the tenants was in some measure consulted. And without a regulation of this sort the expence of the carriage of rents in kind to the landlord's place of residence, if at a considerable distance, must have exceeded the prime cost of the provisions, and rendered the estates belonging to the king or nobility in places very distant from their mansion-houses either useless to them, or the payment of rent very burdensome to the tenant. But it ought to be observed, that the princes, as well as the gentry of those times, had seldom any fixed abode. The king and nobility had commonly an house in their demesne towns, where they occasionally resided. And they often removed from one seat to

ano-

another, in order to enjoy the pleasures of the chace, or to reap with greater ease the profit of their farms in different parts of the kingdom.

Among the various modes of estimating the value of lands, the most singular is, that of letting or computing their profits by the rent of a night, a day, or a certain number of days (*a*). It is not easy to determine, whether this custom arose from dividing their estates in such a manner as to yield a constant annual supply, as was usual in the monasteries (*p*); or whether it was not derived from a calculation how long each of their farms would maintain them and their retinue, when they lodged there upon a journey. According to either of these suppositions, the tenants were obliged to furnish their landlords with a quantity of provisions sufficient to entertain them the stipulated time, or deliver it, for their use, to their stewards or bailiffs. In length of time this custom was found so inconve-

(*a*) Spelm. Gloss. v. FIRM.

(*p*) Hist. Eliens. p. 504.

nient to the kings and their tenants, that, as we learn from Domesday-book, the value of many of these rents was computed, and paid in money.

Besides making provision for the king's maintenance, and the support of his household, large tracts of land were converted into forests and chaces, for the pleasure of hunting. The princes and nobility of those times, unacquainted with the amusements and diversions of more civilized nations, spent the greatest part of their time in hunting, hawking, or other sports of the field. They found in these something resembling a military life; and the exercise which these rural diversions occasioned, prepared them for enduring the fatigues of war. All the Anglo-Saxon princes, as well as their contemporaries in France and Germany, were extremely fond of hunting, and so careful to preserve the game, that the laws enacted for this purpose were drawn up with great exactness. We have in Spelman's Glossary the forest laws of Canute, which, though of doubtful authority, seem to have been translated from the

the Saxon language by a Norman writer. They are, in some articles, similar to those of other nations upon the continent, and afford an evidence of the great attention that was paid to the preservation of the game in those barbarous ages. According to these laws of Canute, the chief foresters were chosen out of the nobility, and particular privileges granted to the subaltern officers. Even a slave, when admitted to the honour of being a keeper or servant in the forest, obtained his freedom at the king's expence. If a freeman, by accident or design, pursued a beast of the chase till it was out of breath, he forfeited ten shillings; if an inferior person, was guilty of the same offence, he was fined twenty shillings; if a slave, he was punished by whipping. If a stag, or royal beast, was thus treated by any of the persons above-mentioned, the first was to be imprisoned for a year, the second two years, and the slave was outlawed: but, if any of these persons killed a stag, the first forfeited his arms, the second his liberty, and the slave his life. It was likewise ordered, that no

disturbance should be given to the game, by cutting down the woods, or depriving them of cover, unless by particular command. Even wolves and foxes were not allowed to be hunted within the precincts of the forest. Nor was any one permitted to keep grey-hounds, unless they were maimed, within ten miles of the forest, under a penalty of forfeiting one shilling for every mile he approached nearer. And though leave was given to keep a particular species of dogs, yet if any of them became mad, and was found within the forest, the owner was fined in the sum of two hundred shillings, the price or weregild of a free-man : if he bit any beast of the chase, the penalty was twelve hundred shillings, the price of a thane ; but, if he bit a stag or royal beast, the owner of the dog was deemed to be guilty of the greatest crime (*q*).

Besides these laws, the king, or his foresters, were at liberty to establish any other for the preservation of the game. And soon after the Norman conquest, and

(*q*) Spelm. Gloss. v. FOREST.

probably before, every forest was considered as forming a kind of distinct principality, and governed by its own laws; it was neither admitted to be a part of any county or parish, nor subject to civil or episcopal jurisdiction, nor even to the payment of tithes for the assarts or cultivated spots, unless disposed of in charity, or by the particular order of the king (*r*). And as proper fences were oftentimes wanting to the forests, and the boundaries were uncertain, they were frequently extended into the neighbouring country, at the pleasure of the keepers. It was a great relief, as well as benefit, to the land-owners in after-ages, when the severity of these laws was mitigated, and the bounds of the forests were exactly determined.

On the first division of the lands, the shares of the nobility and officers in the Saxon army were undoubtedly much less than in later times, when they had subdued a considerable part of the island, and attained to a greater degree of opulence and

(*r*) Spelm. *ibid.* Madox's *Hist. of the Exch.* v. i. p. 348.

power. Though nobly born, the possession of forty hydes was required in the later periods of their history to place them in the rank of nobility (s). So that we may justly imagine, the principal thanes possessed a much greater number. In general their landed possessions were so large, that in those ages, when their rents were paid chiefly in kind, they could not be applied entirely to their own use. For this reason, they sometimes disposed of a part of their estates to the theodens or lesser thanes, or other persons, who held them by a kind of military tenure. Property of every sort was so insecure, that it could be maintained only by the sword; and the feuds and animosities that incessantly broke out among so licentious and independent a body as the nobility, would oblige them to consult their own safety, by retaining in their service a great number of vassals, whom they could employ in defending themselves, or distressing an enemy.

As hunting was the favourite diversion of the nobility, a part of the lands conti-

(s) Hist. Eliens. p. 513.

guous to their mansion-houses was usually laid out in parks and warrens; and the remainder of the lands in the neighbourhood was commonly kept in their own possession, and cultivated by their plowmen and slaves. But it was almost a general custom among the principal landowners to stock a great part of their estates at their own expence, and receive the entire profits, except the pittance of provisions, or small parcel of land, which they allowed to their labourers and tenants, in return for their services. The lands thus retained in their own occupation were called inland, or bordland; that is, such as were immediately applied to the maintenance or board of the family. Other parts of their estates, situated at a distance from their dwelling-houses, were called utland or outlands, and sometimes let to tenants on the condition of supplying them with a certain quantity of grain or provisions, a small sum of money, or assisting them in works of husbandry. If, however, any independent plowmen or ceorles were settled upon their lands under certain rents and

services, it was scarcely possible to maintain the rights of freemen under the powers and jurisdiction exercised over them by the nobility. The slender authority of the laws obliged many of the freemen to enter into associations for their own defence, or to put themselves under the protection of some powerful neighbour, and repay it by services in husbandry, or other marks of his jurisdiction and their dependence.

As it was not usual to maintain a regular body of forces in the pay of the prince, lands were sometimes granted to particular persons, on the condition of military service, and fines levied upon them for non-attendance in time of war (*t*). Among the laws of Athelstan, there is one which enjoins, that every plow-land, or hyde of land, should maintain two good horsemen and horses (*u*). It is nevertheless uncertain, whether this was the usual condition on which the landowners in general, or only some military tenants, held their estates. But whatever obligations the freemen might

(*t*) Leg. Angl. Sax. p. 23.

(*u*) Id. p. 59.

be under in this respect, it seems as if they were always prepared, according to the custom of the Germans, for military service. The right of bearing arms belonged only to a freeman, and he seldom appeared in public without this badge of his rank. The use of arms was so general among the ancient Saxons, that their armies commonly consisted of the whole body of free-men, who either voluntarily, or by the tenure of their lands, were obliged to attend in every military expedition. In later times, when their ancient manners fell into disuse, and the number of free-men was very much reduced, few of the inhabitants were called to military service, except those who were retained by the king or nobility for this purpose, and were either maintained by them, or enjoyed some portion of land for their attendance in time of war.

The Anglo-Saxon tenants, who most resemble modern farmers, were the ceorles. These were of greater note than other occupiers of the lands, on account of their wealth or freedom. And if they were sub-

ject to military service; yet this was considered in those ages as honourable, and the principal means of preserving their freedom and property. The estimate of their persons or weregild in some countries was two hundred shillings, or the sixth part of the price of a thane; and particular fines were imposed upon such as maltreated them (*w*). On some occasions these ceorles seem, like the slaves and glebe tenants, to have been considered as annexed to the estate; and, though conveyed with it on a gift or sale, were allowed to have so much interest in it, as to retain the possession of it, with all the privileges they had formerly enjoyed. Lands held on these advantageous terms were undoubtedly not very common; but they were the lot of some tenants of the crown, nobility, and monasteries.

So much regard was paid to the ceorles, and the promotion of agriculture, that when they could obtain the possession of five hydes of lands, a church, kitchen, bell-house, a seat in the king's court, or a distinct office in his hall, they were allowed

(*w*) Leg. Angl. Sax. p. 42. 64.

the rank of a thane (*). It was not possible, that many plowmen should arrive, this honour under the descent of lands according to the custom of gavel-kind. This was probably the tenure of all the lands belonging to the commons; and in every country where it takes place, it must gradually bring the people nearly to a level. In a republican state, debarred from foreign commerce, and possessed only of a scanty territory, such a descent of lands may be a means of keeping the inhabitants in a state of equality, and prevent the accumulation of landed property. The same custom prevailed among the Welch (y). In later times, a similar one took place in the island of Candia; and the consequence has been, that the ancient landowners are reduced to poverty (z). And it was probably owing to the same cause, that the number of freeholders was so small in the later times of the Anglo-Saxons, and that the government inclined so much to an

(*) Leg. Angl. Sax. p. 70.

(y) Leg. Wall. p. 149.

(z) Pococke's Travels, vol. II. p. 266.

jeu
 aristocracy. The nobility, possessing a right
 of conveying their boclands to any of their
 children or relations, were enabled to main-
 tain the rank and splendor of their family;
 while the owners of all other lands, by
 being sometimes obliged to divide them
 among a numerous progeny, gradually fell
 into poverty, or the condition of cotta-
 gers.

Some of the ceorles, or plowmen, rented
 farms according to modern customs under
 fixed rents and services for a term of years,
 or under certain fines on the renewal of
 their leases; but the landowners in general
 seldom chose to settle such independent
 tenants on their lands, unless they lay at
 a great distance from their abode. They
 found greater advantages, as already ob-
 served, in stocking their estates with all
 the necessaries of husbandry, and appropri-
 ating their whole profits to their own use,
 except the maintenance or pittance of land
 allowed to their labourers. Or if they
 permitted some of their principal tenants
 to continue upon their farms under ancient
 rents, they frequently made additions to
 their

their services, levied fines, or exacted heriots on every succession to the tenancy, or employed other modes of oppression, so as to reduce them to a state of dependence.

The cottagers, or bordars, who rented small parcels of land, were much more numerous than the ceorles, and, excepting bond days and services, which they owed to their landlords, were not unlike the lower rank of farmers and labourers in modern times. These paid the greatest part of their rent in services or personal labour for the benefit of their landlords; and, though they are commonly supposed to have been freemen, their condition and circumstances were scarcely superior to those of the slaves or glebe-tenants (*a*). Their extreme poverty necessarily kept them in a state of dependence; and the laws afforded them a slender protection in defence of their rights, or even of their liberty, against the violence and tyranny of an arbitrary landlord.

(*a*) Spelm. Gloss. v. BORDAR.

The barbarous ages in the history of almost every nation are generally distinguished for the spirit of liberty. As every free man is allowed the use of arms, it is difficult to enforce an absolute submission to the will of the chieftain, or to establish any other than an aristocratical or popular form of government. The limited power of the Anglo-Saxon kings affords an evidence of the attention that was paid to the liberty of particular subjects; but this liberty was far from being universal. While a few were enjoying the benefits of freedom, the greatest part of the people was held in a state of dependence or vassalage. On the first approaches of men to civility and a regular government, if some particular families have maintained their liberty, the common people have generally been so unfortunate as to be reduced almost to the capacity of slaves. This was the case of the ancient Greeks, and in Cæsar's time the state of the Gauls (*b*). The theowes, or slaves, in every period of the Anglo-

(*b*) Thucyd. Hist. l. i. c. 8. 17. Cæs. de B. G. l. vi. c. 12.

Saxon history, formed a numerous body, and were employed not only in works of husbandry, but in most of the mechanical arts that were of general use. It was, indeed, almost impossible to employ them in any other manner. A rude and unpolished people can have little occasion for the personal attendance of servants (*c*); and for this reason they have usually employed the captives taken in war in cultivating the lands, or in such offices as require industry and confinement. To the mortification of the Romans, their officers, and soldiers, after the defeat of Varus, were destined to these uses (*d*). In this instance, the effects of polished and barbarous manners are alike, that staid labour is considered as a mark of slavery. Among a barbarous people the slaves will occasionally be treated with great severity, and feel every degree of violence and insult from a capricious and tyrannical master (*e*);

(*c*) Tacit. de Mor. Germ.

(*d*) Senec. Epist. 47.

(*e*) Tacit. de Mor. Germ.

while, on the other hand, among polished and luxurious nations, many of them live more at their ease than the lowest rank of freemen who subsist by their labour. As the captives among the Germans were usually taken from nations more civilized than themselves, they would excel their masters, not only in husbandry, but in all the arts of improved life: and there is no doubt but the Germans would avail themselves of the skill and industry of their prisoners, and employ them in such works as they were unable to execute themselves. The Northern nations, by reason of their uncultivated state, could not employ their slaves in such a variety of arts and occupations as the Greeks and Romans; and yet they made great use of them, and established marts and laws for regulating their sale. Three things were required on the sale of a slave; that he should be found at the new and full moon, free from the falling sickness, and not older than the seller engaged him to be (*f*). These cus-

(*f*) Leg. Angl. Sax. p. 107. note.

toms of the North probably prevailed among the Saxons, and were brought by them into Britain, or adopted soon after their settlement. If at first a few freemen were employed in tilling the lands, in later times their number was very much reduced. Almost all the lands were in the occupation of glebe-tenants, whom the owners considered as their property, and claimed almost an unlimited authority over their persons and effects.

Writers have commonly distinguished the slaves among the Anglo-Saxons, as well as the early Normans, into two kinds; such as were annexed to the lands, and not liable to be sold or removed; and such as belonged to the person of their master, and were entirely subject to his disposal. Most of the vassals settled on the king's demesnes were of the first sort; and, when the nobility let their estates to the ceorles, provision was commonly made, that the stock of families settled upon their lands should not be diminished. And the same obligations were probably laid upon the steward of every opulent landowner.

As

As the slaves and glebe-tenants were considered as a part of their master's substance, they were disposed of by will, or their effects were seized for his debt. And for the same reason, when the lands they occupied were exposed to sale, they were generally valued as yielding profit like a stock of cattle. Their condition and occupation were therefore commonly enumerated on the conveyance of lands, when writings came into use, and their families and effects transferred to the purchaser. An early Norman writer has given us a form of this kind, wherein we find a bailiff, smith, carpenter, fisherman, and miller, with their families and goods, conveyed as parcel of the estate (g). Many instances of a similar nature occur in our ancient writers. On an exchange of estates, we are told, that one exceeded the value of the other by an hundred sheep, fifty-five hogs, two men, and five oxen (h). And on a purchase of lands we learn, that the men, cattle, and corn, were valued at seven pounds (i).

(g) Ingulph. Hist. p. 87.

(h) Hist. Elieus, p. 481.

(i) Id. p. 478.

Though

Though the occupiers of the lands were thus rated like cattle, it is not to be supposed that all of them were slaves, or subject to sale at the pleasure of their landlords. Some of them were freemen, who owed only certain rents and services; and even the glebe-tenants, like some of the slaves among the Romans, enjoyed a property of their own. Excepting a few, who were retained about the seats of the nobility, or the monasteries, for domestic uses, the greater part, according to the custom of the Germans, was settled with their families in cottages, to which a small parcel of land was annexed, and permitted to enjoy some of the fruits of their industry. The services and fines required from them, and even their hydegild or pecuniary mulct to exempt them from being whipped, seem to indicate as if they were considered as a kind of petty tenants, and permitted to possess some effects, which were allowed to be their own, or were seldom wrested from them. But the best evidence of their possessing a property of their own may be col-

lected from the purchase which they sometimes made of their freedom. By improving their peculium, some of them were enabled to redeem themselves from slavery. Many instances of this kind are mentioned by Hickes, which are so far subjects of curiosity, as they shew the value of slaves in those ages. One slave, we are told, bought of the abbot and monks of Bath his own liberty, and that of his children, for five ores and twelve sheep (*k*). Another obtained his freedom, and that of his wife and children, for fifteen shillings. The liberty of a woman was purchased at the price of ten shillings; and a man obtained it at the same rate. Another paid two pounds for the liberty of himself, his wife, children, and grandchildren. A man and his brother bought their freedom for seven marks, including the toll. Sometimes the liberty of a single person was valued at five shillings, ten shillings, or the half of a pound; and at other times it was estimated

(*k*) Hickes, Dissert. Epist. An ore was equal to twenty pence of Saxon money, or about four shillings and eight pence half-penny of ours.

at a pound (1). To account for this difference of prices, their ages, abilities, occupations, and circumstances, were probably taken into consideration; and something, perhaps, ought to be ascribed to the favour or indulgence of their masters. There is, however, no reason to doubt, but their condition was attended to, and their value regulated by it, whenever they purchased their freedom, or the estates on which they were settled were exposed to sale. When the serfs, or glebe-tenants, belonging to the monasteries, obtained their freedom, a memorandum was generally made of it in a vacant leaf of the Bibles, or other books deposited in their library; and in other places their freedom was recorded in the toll-books, as a toll was usually paid on these occasions in the same manner as upon the sale of cattle or merchandise. But in general, when their masters or landlords were disposed to make them freemen, the business was dispatched at the hundred or county-courts, according to a form pre-

(1) Hickee, Differt. Epist. p. 13, 14, 15. 21.

scribed for that purpose, and registered like the conveyances of lands (*m*).

Though the possession of property, and some other rights enjoyed by the Anglo-Saxon serfs, seem to place them above a state of absolute slavery, yet their masters were always supposed to have so much interest in them as to be entitled to a part of the fine that was levied on their murderers (*n*). And the power of the thane over his vassals was usually extended so far, that without his leave they could not go to work out of his demesnes, or marry their daughters out of his jurisdiction, without the payment of a fine. These instances, though consistent with personal freedom, are sufficient to shew the low and dependent state of the theowes or serfs, and place them almost on a level with the slaves in our American islands.

Landed property being considered by the Saxons as of no other use than as the means of supplying them with provisions,

(*m*) Hickes, Dissert. Epist. p. 14.

(*n*) Spelm. Gloss. v. MANBOTE.

and the common necessities of life, without being obliged to purchase them of others, it was disposed of in such a manner as to answer these ends by dividing it into small parcels, and exacting a sum of money, or a portion of the product, from some tenants, and labour, or particular services, from others. The demesnes of the lords and gentry were commonly sufficient to furnish them with corn and cattle for the maintenance of their families; and other parts of their estates were disposed of on such terms as to supply them with carriages and labourers. To some tenants a small portion of land was granted, in consideration of working particular days for their landlord; others were bound to carry out the manure to his demesne-lands; to reap, mow, or carry his corn or hay; to shoe his horses, and find the iron; to fence a few yards of his park, or to fetch timber from the woods; to supply him with a quantity of honey or malt; to carry his provisions when he travelled, or at particular times to treat his steward or bailiff.

liff(o). In short, every tenant, according to his circumstances, was obliged to lend assistance to his landlord. The ceorles assisted him with their plows and carriages, and the cottagers and serfs with their labour. Whenever these sorts of tenants were obliged to attend, it was commonly fixed, how many hours they should work, and how much they should pay for the neglect; what quantity of meat or drink should be allowed, and at what times they should work without any gratuity. Sometimes particular days were appointed for their attendance, and at other times they were obliged to attend on the summons of the bailiff(p). As the services, duties, and fines, of the tenants, were so various, care was taken by the great land-owners to note them down in a land-book or rental. This not only marked the boundaries of particu-

(o) Somner, on Gavel-kind, p. 115, and other places.

(p) Spelm. Gloss. v. PRECAR. The two old proverbs, *Run a muck*, and *Run a tilth*, or, as commonly pronounced, *tilt*, may perhaps be derived from the hurry and confusion occasioned by a numerous body of tenants, when summoned to carry out the manure, or to plow the demesnes of their landlords.

lar lands, but contained an account of the terms on which every parcel of land was let to the tenant. A land-book, or survey of the crown-lands, had been made by one of the Anglo-Saxon kings; and William the Conqueror so far improved upon the plan, as to make a survey in Domesday-book of all the lands in England.

It was this demand of services from tenants, that secured to the serfs and cottagers some degree of property, or at least the use of such implements as were necessary to discharge the works and duties which they owed to their landlords. And it was thought to be so useful a reserve on occasion of their master's arrest for debt, that it afterwards found a place in the great charter. After the introduction of Christianity, many laws and regulations were made in favour of the slaves. The church, in one of its constitutions, had prohibited their sale into foreign countries, lest they should fall into the hands of heathens. And the bishops, in their respective dioceses, were enjoined to settle the quantity of work

to be performed by them, and to exhort their masters to permit them, at particular times, to work for their own profit. On the death of a bishop, all his Anglo-Saxon slaves were required to be set at liberty; and every bishop and abbot was commanded to give freedom to three slaves (*q*). If this humane and useful design had been put in execution, the state of the slaves would have been more comfortable, and the number of them gradually reduced. But the influence of the clergy was not so successful as to bring the people to submit to regulations in favour of an order of men which they looked upon to be as much at their disposal as their cattle. Though the Christian religion, and a more regular government, had softened the ferocity of the ancient manners of the English, it had not effected so great a change in their treatment of the slaves in the period immediately preceding the Norman conquest as might have been expected. The wife of earl Godwin, the sister of king Canute, bought

(*q*) Leg. Ang. Sax. p. 90. 107. 120. 134. Spelm. Conc. v. I. p. 330. 405.

a great number of boys and girls in England, and either sold them in Denmark, or prostituted the girls at home for gain. This gave so much offence to the monks, that they considered her death by lightning as an act of divine vengeance (*r*). And it appears from other instances, that about the time of the Norman conquest the Irish were supplied with a great number of slaves from England (*s*). As the glebe-tenants were permitted to occupy a small portion of land, their condition was not so deplorable as that of the slaves. The division of landed property into small parcels, in order to accommodate them with petty farms, subsisted a long time after the settlement of the Normans; and even at present many of the common and undivided fields in different parts of the kingdom shew, by the intermixture of the ridges or fellions of the several proprietors, that they had once been occupied by a great number of persons, and divided into small farms.

(*r*) W. Malmesb. p. 46. 57. H. Knyghton, p. 2. 333.

(*s*) W. Malmesb. p. 62. Angl. Sacra, tom. ii. p. 258.

It is to this abject state of the commons that we may ascribe the territorial jurisdiction exercised over them by the nobility, and other land-owners. These being possessed of large tracts of land, and stocking them with slaves, or letting them to cottagers, or to freemen whose circumstances were extremely low, reduced all their tenants to a state of dependence. And on this principle we may account for the distinction of lands into bocland and folkland. The tenure of the first was the most honourable, and almost peculiar to the nobility and monastics. It is difficult to determine at what period of time this distinction took place, though it must have been very anciently in use.

On the first settlement of the Saxons in Britain, and many years afterwards, every chieftain or military officer, if he followed the custom of the Germans, would consider himself not only as the proprietor of his portion of land, but as entitled to an extensive jurisdiction over his tenants and vassals, at least on common subjects of dispute (1).

(1) Tacit. de Mor. Germ.

And in those martial ages, and imperfect state of government, it cannot be expected, that the nobility, in cases of controversy among their vassals and dependents, would permit an appeal to any court, except their own. They seem in general to have assumed, unless on extraordinary occasions, the sole power of determining most causes within their respective districts; and their authority would be readily submitted to, as the greatest part of the people, settled on their lands, consisted of their clients, tenants, or slaves. And where the property of the people was inconsiderable, as was generally the case, few subjects of dispute would occur which might not be referred to the determination of the courts held by their lords.

In later times this extensive jurisdiction claimed by the nobility was very much abridged, and appeals allowed to the courts of the king's reeve, alderman, or earl. An exemption from the jurisdiction of these courts of the king was a privilege, that could be obtained only by a charter, or
 5 grant

grant of the crown, confirmed by the nobility and prelates. The consent of these was generally required to create boqland. This seems to have been exempted from all taxes and services, except such as were common to all the lands, military expedition, and the repairs of bridges and fortresses. The owners also, if they were laymen, possessed the privilege of alienating it, or devising it by will, except in some particular cases (u). At the same time, they had power of trying and capitally convicting offenders, and claimed a right to the fines and forfeitures for crimes and misdemeanors committed within their territory; they possessed a jurisdiction over the children of their vassals, and sometimes a right to receive fugitives; in short, they seem in many respects to have enjoyed *jurata regalia*, or every privilege belonging to the crown. The boundaries of these lands were always distinctly marked out, in order to confine the owners within their own districts, and inform the inhabitants under

(u) Leg. Ang. Sax. p. 43. Hickee, Diff. Epist. p. 60.
whole

whose jurisdiction they lived. As the nobility would not permit the king to alienate his estates, or to grant particular privileges and immunities to a subject, which intrenched upon their own, as was the case on the creation of bocland or charterland, it became necessary that they should confirm the grant; and when writings came into use, to sign the deed or charter.

All other lands were denominated folk-land, or lands of the commons, though they might be the property of the thanes or nobility. The owners or tenants of these lands were liable to all public burthens, obliged to attend the court of the reeve or earl, subject to the payment of forfeitures to the king's officers, and in later times to the tax of Danegelt (v). Nor could folk-land be devised by will, but descended by the custom of gavel-kind, to all the male children of the proprietor. It was also subject to so many duties and services to the thanes, who from thence took occasion to claim an interest in it, that it could

(v) W. Malmsh. p. 345. Dalrymple on Feudal property, p. 12. 14.

rarely

rarely be fold or alienated without their consent. And though the jurisdiction of the nobility was very much limited by permitting appeals to the king's courts, yet they continued to hold inferior courts, where they tried petty trespasses and offences, and made regulations for the management of the arable lands and common pastures; and by introducing particular laws and customs into their courts, and insisting on a variety of duties and services from the freeholders, they gradually wrested their property from them, or reduced them to a state of dependence. It appears from Domesday-book, that in the time of Edward the Confessor there were only sixty-six freeholders in Norfolk (*w*). And in this respect there is no reason to believe, that this county was distinguished from the rest. So that if the nobility lost some share of their power, by suffering appeals to be made to superior courts, they employed the properest measures to extend the authority of the courts they were still

(*w*) Spelm. Gloss. v. DOMESD.

permitted to hold. And the people in general were too much dependent upon them to make a successful resistance to their claims. These petty courts, however, were not entirely useless. They served to keep the lower classes of the people in some degree of order, by punishing misdemeanors and trifling crimes, which passed unnoticed as soon as they ceased to be regularly held, or lost a great part of their ancient authority.

It will be needless to inquire in what manner the monastics, or religious houses, managed their estates, as in this respect, it may be justly presumed, they would follow the example of the nobility. They had their ceorles, bordars, and serfs, which they found upon the lands they purchased, or on the estates bestowed upon them by the kings or other benefactors, and they treated them nearly in the same manner. Sometimes they were so humane as to give freedom to some of their slaves, or consider them as petty tenants, like the bordars (x);

(x) Chron. Bromt. p. 798. H. Hunt. p. 192.

and they might so far conform to the laws enacted in their behalf as to exempt them from sale into foreign countries. The corn arising from the farms, which they possessed in the neighbourhood of their monasteries, was lodged in their granaries; and upon their estates at a distance they built houses and granges, which served them as a kind of inns in their journeys, or maintained some of the fraternity, who occasionally resorted thither to hold their courts, or for the sake of health or diversion (y).

In some other respects the conduct of the clergy and monastics deserves notice. The allotment or distribution of the lands on the first settlement of the Saxons necessarily created a division of property; and the jurisdiction exercised by the landowners over the occupiers equally required, that the boundaries should be ascertained. And the division of the kingdom into parishes was a well-concerted measure for civilizing the rude inhabitants, by obliging

(y) Kennet's Paroch. Antiq. Gloss. v. MANSIO.

them

them to a fixed residence. In every respect it answered the same ends as the settlement of colonies and stationary legions made use of by the Romans for the same purpose, and effected the same design by less violent means. It brought the inhabitants together, and in some measure confined them to the cultivation of the adjacent lands. Almost all the laws and regulations of Alfred, so well calculated for the state of the people in his time, were founded on this partition of the lands, and could be enforced only on its establishment; and it succeeded so far as to bring the people, as far as so wild and martial a people could be brought, to order and regularity.

The building of monasteries seems to have been prior to this division of the country into parishes, and in some measure to have answered the same ends. Monastic institutions are generally supposed to have been the product of persecution, and of the gloomy temper so natural to the natives of Egypt, where they took their rise,

or were held in the greatest estimation. They imperceptibly made their way thro' the greatest part of Europe, and gained voluntary profelytes, where their progress was not aided by the same causes. The violence and barbarity of manners, so common in the western parts of Europe, effectuated the same ends as the climate and persecution in other countries. Men were glad to retire into those places of security, where they might exercise all those forms of devotion which, among an ignorant people, will be always looked upon as of equal value with the practice of the moral and social duties of life. In the general estimation the monastic life was reckoned to be the most perfect; and the disorders of society gave some degree of authority to this opinion.

Nor was the building of monasteries totally useless with respect to the improvement of the lands. Many places in Britain were left by the Romans in their primitive uncultivated state; and the wars and devastations, that ensued after the arrival of the Saxons, added to the number of wastes. These were proper places for the
 reli-

religious exercises of the first monastics, as affording the privacy which they thought essential to the worship of God. Erecting cells in these deserts, and collecting a number of followers by their admonitions, or admiration of the austerity of their lives, they afterwards built more spacious dwellings; and having obtained possession of the lands in their neighbourhood, by donations of the princes, or other benefactors, they improved them by their labour, and made them more salubrious and profitable. And, if we consider the general sloth and poverty of the people, it is easy to believe, that many tracts of land would have remained in the state of nature, and served only for a shelter to wild beasts, if they had not been improved by the industry of the monastics. On the first institution of religious houses in England and other countries, the monks were generally obliged to labour, and to take their turns in the cultivation of the lands which belonged to their monastery (z). Learning was then a

(z) Chron. Brompt. p. 968. 994.

very rare accomplishment ; and the interval of their devotional acts could not be more usefully laid out than in the business of husbandry. The monks of Bangor, according to the accounts of historians, were employed in works of this kind. While a part of their fraternity was engaged in the management of their farms, the remainder was attending on the offices of the church (a). And similar regulations probably took place in other societies of this sort, on their first institution. In after-ages, when their acquisitions were sufficient to maintain them in idleness, they spent their revenues in decorating their buildings, or in hospitality and luxury. In the last instance they followed the example of the nobility and gentry : in others they excelled them. The learning and knowledge of those times, as scanty and trifling as they may appear, fell chiefly to their share ; and, if we are offended at the legendary tales of their saints and founders, we are nevertheless indebted to them for transmitting and preserving many valuable

(a) Camd. Brit. v. I. p. 687.

writings of ancient authors, which no other order of men thought worthy of regard (*b*). In erecting their buildings, as well as ornamenting their churches and shrines, they generally employed the most skilful workmen that were to be found in Europe (*c*), and taught and preserved many arts, which, although simple, were extremely useful, and, without their care, would have been entirely lost. And the frequent visits which the clergy and monks made to the court of Rome, on account of business, or through a spirit of superstition, might be the means of importing some useful arts. Italy, though ravaged by the northern Barbarians, still maintained a superiority in all the arts of civilized life, and might give some useful instructions in commerce, manufactures, and agriculture, to the rude inhabitants of the western parts of Europe.

Upon the conversion of the Saxons to the Christian faith, many of their laws

(*b*) Hume's Hist. v. III. p. 311. Matt. Paris, Vit. p. 57. 93.

(*c*) Sim. Dunelm. p. 293.

were borrowed from the Pentateuch. And the Christian religion, wherever introduced, by the practical virtues it inculcated, would amend the worst, and improve the best, mode of government; but, being designed to incorporate with the civil constitution of every state, besides other reasons, it prescribed no particular form of a civil government; recourse was therefore had to the Old Testament; and such laws being singled out as were most applicable to the state and genius of the people, they were incorporated with their ancient customs. And as many of the Jewish laws were merely ceremonial, they would be more readily admitted by the clergy and laity. The Savage and Barbarian will be always attached to the forms of Religion; and for a time these may be of use, by introducing a regard for it, and lay a foundation for a better knowledge of their duty to God and each other. And the moral duties of life, though infinitely preferable on political as well as religious views to rites and ceremonies, will neither be perfectly understood,

stood, nor can be successfully enforced, till men have attained to some degree of civility and refinement in the commerce of life, and made a progress in learning and knowledge. The churchmen, therefore, the chief lawgivers in those ages, unacquainted with the models of government left by the Greeks and Romans, and biassed in favour of the laws of Moses, took him for their guide in many of their civil and ecclesiastical institutions. And almost every part of Europe was at that time in so unsettled a state, as to afford no patterns of a regular government. And, as singular as some of the religious institutions of the Anglo-Saxons after their conversion to the Christian faith may appear to us, they were preferable to those barbarous rites observed by their countrymen abroad. The Christian religion, under the grossest abuses and corruptions, was more beneficial to the people, than the religious customs established by the Northern law-givers. Though debased by a mixture of superstitious practices, it preserved regard for social manners; and, by keeping up a reve-

rence for these, it provided in some degree for the order, peace, and happiness, of society. It would be folly to plead for the superstitious modes of worship that prevailed in those ages of ignorance; and yet even on political views it was a fortunate circumstance to the people that the Christian religion took place of the Saxon, and taught, amidst all its corruptions, principles more consistent with reason, justice, and humanity.

Before this subject is dismissed, it may be proper to observe, that the religious houses were a kind of fortresses, to which the neighbouring inhabitants retired in times of public danger, and lodged there their most valuable effects. So that, if they sometimes protected such as fled from justice, they secured others from violence and oppression. Such as resorted thither on these accounts were commonly retained by the abbots, and employed in the capacity of labourers or soldiers. In the abbey of Croyland the number of these fugitives

once

once
law
from
the
some
then
posse
ders
to k
body
of th
for t
instan
sanct
the o
serve
churc
lence
his t
ages
of eq

(d) 1
p. 15.
(e) 1
(f) 1

once amounted to two hundred (*d*). The laws, indeed, had prohibited the subjects from receiving the slaves of others (*e*): but the owners of bocland, or charterland, sometimes claimed an exemption from them. And the power which the abbots possessed, of imprisoning and trying offenders within their jurisdiction, enabled them to keep such a numerous and licentious body in some degree of order. The power of the clergy in those ages, usually laid out for their own aggrandizement, was in this instance of public service, and, by opening sanctuaries, afforded a place of refuge to the oppressed commons. It has been observed, that in more civilized countries the church has sometimes restrained the violence of the monarch, and put bounds to his tyranny (*f*); and in those barbarous ages the right of sanctuary must have been of equal utility, and almost necessary.

(*d*) Ingulph. Hist. p. 14. 20. Abb. S. Pet. de Burg.
p. 15.

(*e*) Leg. Ang. Sax. p. 19. 60.

(*f*) Montesqu. Esp. des Loix, l. ii. c. 4.

We have very imperfect accounts of the trade carried on by the Anglo-Saxons; but we may be assured, that it could not be very considerable, as neither the state of the people nor of Europe would admit of an active or extended commerce. The greatest part of the inhabitants was held in a state of vassalage, and from the mean-ness of their circumstances was unable to purchase any goods of value from natives or foreigners. And almost every part of the Western empire was in such a state of confusion, as scarcely to admit of a regular trade with the English, or any other nation, if an attempt of this kind had been made by some enterprizing prince at home or abroad. After the irruption and settlement of the Northern nations in the Southern parts of Europe, the little commercial intercourse which had been formerly carried on between the several provinces of the empire, was almost totally destroyed, and no new connections were formed in their stead. The Romans had long been jealous of the Germans, and other inhabi-

tants

tants of the North, and were unwilling to engage too deeply in traffic with them, lest they should invite them into the empire, by shewing them the value of their commodities. This was a measure unworthy of the Roman name; and, by exposing the feeble condition and fears of the subjects, served rather to accelerate than retard an invasion from a martial people.

The conquest of a neighbouring state has sometimes been the means of enlarging commerce, by breaking the obstacles which prevented a free intercourse with each other; but the conquests made by the several nations of the North were attended with a very different effect. The petty principalities, into which the Western empire was divided, scarcely kept up any intercourse with each other, but contented themselves chiefly with their own manufactures and products. And with the loss of commerce all other connections seem to have been obliterated. Constantinople was almost the only place in Europe, where any remains of ancient trade were to be found; and even this was confined chiefly to the Eastern

Eastern parts of the Mediterranean. All other countries in Europe, excepting perhaps some parts of Spain, were engaged in domestic wars, or in so unsettled and deplorable a condition as to exclude all commercial connections with foreigners. Upon the settlement of the Saxons in Britain, the ancient trade of the nation was almost entirely extinguished; and, during the whole period of their history, never recovered its pristine vigour. The navigation of the rivers, which had been opened by the Romans, was obstructed by weirs or other obstacles; and, if some of the ports continued in their ancient state, it was more owing to nature than the care of the princes or subjects to keep them in order. In length of time, trade began to revive. Foreign merchants attended with their goods at the fairs, which were held in some of the most populous towns on the coasts; and our merchants, though scarcely superior in wealth to modern pedlars, visited the continent, and imported some of its commodities. Wines, spices, fruits, and linen, were the principal imports; and, as

these

these could be purchased only by a few opulent land-owners or the clergy, the demand for them could not be very considerable. No new articles were added to the ancient exports of Britain; but the number was probably diminished; and it may be justly presumed, that the quantity was too small to employ a great number of vessels, or even to influence the value of lands. But, as trifling as the commerce of the Anglo-Saxons appears to have been, it may be collected, from a few instances, that it was held in some degree of repute. There is a law of Athelstan, which allows every one the honours of a thane of the second rank, who had made three voyages to the continent at his own expence (g). And another ordinance may be alledged to the same purpose. It permits every merchant-ship safely to enter any of the British ports, and even an enemy's ship, unless forced in by tempestuous weather; and in the last instance it directs both the ship and cargo, on certain conditions, to be restored to the

(g) Leg. Angl. Sax. p. 71.

owner (*b*). This law seems to have given occasion, in succeeding ages, to an article in Magna Charta. The bishops sometimes employed vessels in trading to the continent (*i*); but it may be presumed, that as they chiefly imported books, reliques, pictures, and other ornaments of churches, there were not many articles of general use that were publicly exposed to sale, and added to the national commerce. The interest of trade, however, seems to have so far engaged the attention of the Anglo-Saxon princes, that they sometimes took the merchants under their protection when they were ill treated by foreigners (*k*).

Though there is no reason to believe, that the navy of the Anglo-Saxons was in any period of their history either numerous or formidable, it was sometimes much more so than could be expected from the low state of their commerce. Before their settlement in Britain, they are said to have been dextrous in the management of their

(*b*) Leg. Angl. Sax. p. 104.

(*i*) Hickes, Diss. Epist. p. 62.

(*k*) Ibid. Anderson's Hist. of Com. v. I. p. 32.

small
degr
was
spirit
elem
suffer
them
other
quen
plunc
tacks
nafter
All a
rates
the r
impro
better
have r
of Eu
with
And
reason
After

(2) C
W, Mal

small vessels, and to have attained to some degree of skill in maritime affairs; but it was almost entirely extinguished with the spirit of piracy. Some time after their settlement in Britain, their navy was so far suffered to decay, as to be unable to defend them against the invasions of the Danes and other freebooters of the North. These frequently made descents upon the coasts, and plundered the villages, though their attacks were generally made against the monasteries, as affording the richest spoils. All attempts to repress these Northern pirates seem to have been unsuccessful, till the reign of Alfred, who is said to have improved the navy by building ships on better models than were then in use, to have made discoveries in the Northern parts of Europe, and opened a correspondence with some Christians in the East Indies (1). And his known abilities leave us no just reason to doubt the truth of these relations. After his decease, the memory of his dis-

(1) Chron. Sax. p. 98. Asser. de reb. gest. Alf. p. 17.
W. Malmesb. Gest. Pont. p. 141.

coveries was almost entirely lost, or at least they were never applied to any useful purposes; but the improvements he made in the marine were more durable. The navy of some of the succeeding princes was much greater than in former ages. King Edgar's fleet is said to have consisted of a great number of ships, and to have been so well stationed as to protect the subjects from the depredations of pirates (*m*); but after his reign the navy gradually fell into such a weak state, that the Danes obtained a superiority, and in length of time got possession of the crown. In the North, piracy had long been the support of a navy; and some ages elapsed before a marine could be formed on the basis of a regular commerce in England, or the Western parts of Europe.

Notwithstanding the encouragement given to merchants by the abovementioned law of Athelstan, trade made a slow progress both at home and abroad. The cir-

(*m*) Chron. Mailros, p. 150. Chron. Brompt. p. 869
Ethel. Abb. Ricv. p. 360.

circumstances of our merchants who exported English commodities were not so opulent as to enable them to carry on a large traffic. Many of them in foreign countries assumed the dress of pilgrims travelling to places of devotion, in order to avoid the payment of the customary duties. And in this capacity it cannot be supposed that they carried with them a large quantity of goods, though Charlemagne thought proper to put a stop to frauds of this kind within his dominions (*). At the same time, the state of the burghesses, who were the principal tradesmen in those times, was held to be so mean, that they were placed on a level with the cottagers and glebe-tenants, and looked upon as equally base and ignoble. If they enjoyed some security from sudden attacks by living in fortified towns, as most of the boroughs were, and possessed particular immunities and franchises, their circumstances were too low to carry on an extended commerce. It appears from Domesday-book, that, in order

(*) W. Malmesb. p. 17.

to trade with security, they were obliged to put themselves under the protection of the crown, or some potent thane, and make an annual acknowledgement for their favour and support (o). And it was the profit arising from the tolls in the markets, port-duties, or fees received from the burghesses, rather than the interest of trade, that engaged their patronage.

The cities and boroughs were the chief places where markets were permitted to be held: and no goods, except of the lowest value, were allowed to be sold there but in the presence of witnesses (p). This is a law, which is often repeated, and was calculated as much for levying the tolls, as the security of the buyer. Cattle were undoubtedly the chief commodities exposed to sale; and as the practice of stealing them was frequent, vouchers to the character and honesty of the seller were thought necessary (q). As money was scarce, and traffic was chiefly carried on by barter, in

(o) Brady on Burghs, p. 8. 10. 20.

(p) Leg. Angl. Sax. p. 9. 18. 48. 103.

(q) Id. p. 82.

Wales, and in some of the Northern countries in Europe, a value was set upon every sort of goods, that the exchange might be made with the same facility as in places where money was plentiful. And it is not unlikely but the same custom prevailed among the Anglo-Saxons.

As the riches of the people in those ages principally consisted in the number of their slaves and cattle, the laws adjudged what compensation should be made for every injury that was done to them. A slave in some countries was estimated at a pound; and a fine, or manbote, was paid to the master for his murder (*r*). Particular limbs of cattle, when maimed or injured, had also their prices settled by law (*s*). And as they were frequently stolen, if they were traced into any person's lands, the owner was obliged to shew the places where they were driven out, or to make satisfaction for them (*t*). And it was ordered, probably for the same reason, that the hides of cattle

(*r*) Leg. Angl. Sax. p. 105. Spelm. Gloss, v. MANBOTE.

(*s*) Id. p. 24.

(*t*) Id. p. 63. 68. 81.

should be kept three days in the hands of the owner before they were sold (*u*).

If trade had been encouraged among the English more than it really was, many difficulties occurred in carrying it on with vigour. Every person who rode to a fair or market was obliged to give notice to his neighbours of his intention; and on his return to acquaint them with his purchase (*v*). If a foreigner was found wandering out of the highway, and neglected to shout or sound an horn, he was considered as a robber, and liable to be arrested or imprisoned (*w*). And every foreign merchant, as soon as he arrived at any port, was obliged to give an account of the number of his men, and to bring them before the port-reeve in order to be examined, or to levy the duties or imposts (*x*). These instances are sufficient proofs how difficult it was to travel into the interior countries in order to traffic with the natives, and with what suspicion every

(*u*) Chron. Bromt. p. 897.

(*v*) Leg. Ang. Sax. p. 81.

(*w*) Id. p. 12. 18, (*x*) Id. p. 41.

foreigner was received who landed on the coasts. Nor were proper regulations made for levying the duties upon goods imported or exported. Though the duties were commonly low, yet, if we except the city of London (y), they seem to have been collected in most other places in a very irregular manner. And the want of a book of rates must in every country be the bane of commerce, and effectually retard its progress.

If foreigners found it dangerous to go beyond the towns upon the coasts, the natives, whether tradesmen or others, could not travel to places at a distance without submitting to many inconveniences. As there were few inns or houses of entertainment on the road for the accommodation of travellers, the kings and nobility, when they removed to places at a distance, usually carried their provisions with them, or resorted to such of their estates as they had let on the condition of supplying them and their attendants with provisions for a

(y) Anderson's History of Commerce, p. 52.

stipulated time ; and when these conveniences were wanting, they took up their quarters in the monasteries, which usually had an hall and lodgings for the accommodation of strangers. This want of public houses was one reason for the constant use of salted provisions. At the beginning of winter, the bailiffs of the great landowners took care to salt the flesh of the oxen and sheep which were fed upon their estates, and kept it in readiness for the use of their masters, when they resorted thither, or conveyed it along with them in their journeys. But, besides this provision for their maintenance on the road, the nobility usually travelled with dogs, nets, hawks, and all the implements of hunting. This mode of travelling probably gave occasion to the clause in the charter of forests, which permits the nobility and prelates to kill a buck in such of the forests as they passed through when called on to attend the national councils. And it is equally probable, that the custom of travelling like sportsmen gave rise to many ancient tenures of lands, by the service of
sup.

supplying the king or lord with an horn, bow, arrows, dogs, or other requisites in hunting, when he visited that country. Though most of these tenures are supposed to be posterior to the Norman conquest, yet, there is the greatest reason to believe, they were derived from Anglo-Saxon customs. As every foreigner, in order to prevent himself from being seized as a robber, when he rambled from the highway, was obliged to shout, or to blow an horn; it is not unlikely but the servants of the gentry made use of an horn for the same purpose, when they travelled into remote parts of the kingdom. An horn and hounds were also frequently employed in pursuing stolen cattle.

Though the nobility and gentry found lodging and entertainment in the monasteries, yet the same hospitality was not exercised towards all other travellers. These were either entirely excluded, or relieved with victuals at the gate, for which purpose lands were often bequeathed to religious houses. When these accommodations were wanting, they made use of the

houses of strangers, put their horses on the waste or common, and usually departed in the morning without paying any thing for their lodging and entertainment (z). Most barbarous nations have been distinguished for their hospitality; and, if the Anglo-Saxons were not remarkable for this virtue, it was owing to the want of proper occasions for the exercise of it. The common people seldom rambled from home, unless to visit some place of devotion. And the tolls that were levied in passing the forests, particular roads, rivers, or bridges, the custom of requiring security for a stranger after two nights lodging (a), and the suspicion entertained of every unknown person, that he was a pirate, robber, or slave who had deserted his master, must necessarily confine the tradesmen and inferior class of people to their own dwellings, and prevent a free and constant intercourse between the several parts of the island.

(z) Spelm. Gloss. v. ROBAR.

(a) Leg. Ang. Sax. p. 9. Hen. Hunt. p. 345.

Amidst

A
cup
possi
was
The
daug
need
the
the a
story
magi
furni
work
cipal
or en
shrin
ticles
usefu
fined
and f
peopl
enabl
factur

(b)
(c)
(d)

Amidst the neglect of many useful occupations, the manual arts seem to have possessed some sort of esteem. Every priest was obliged to learn some handicraft (*b*). The later Saxon kings enjoined their daughters to learn letters, spinning, and needlework; and the consort of Edward the Confessor is said to have embroidered the apparel of her husband (*c*). The same story is told of the daughters of Charlemagne (*d*). The chief luxury in dress and furniture of rooms consisted mostly in works of embroidery; but they were principally designed for the use of the clergy, or employed in adorning the altars and shrines of the churches and convents. Articles of this kind, however elegant and useful they might be thought, were confined to a few, and seldom exposed to sale; and such was the general poverty of the people, that their circumstances would not enable them to purchase any costly manufactures of foreign or domestic workman-

(*b*) Leg. Ang. Sax. p. 83. Chron. Bromt. p. 878. 968.

(*c*) R. Higd. Polychron. p. 259. Chron. Bromt. p. 878.

(*d*) Rad. de Dicer. p. 448.

ship. They were generally obliged to be contented with the coarse and clumsy fabrics in their own neighbourhood: and as there could be no competition where the workmen were few and divided from each other, and the prices of their goods were extremely low, slender advances must be made towards improvement. If any commodities of value were exposed to sale, it was only at some annual mart or fair, which was held in the neighbourhood. This was commonly much frequented by the people, who usually supplied themselves with such goods as were not to be purchased at any other time in the neighbourhood.

The great quantity of golden and silver utensils lodged in the monasteries and cathedrals affords a presumption, that a much more lucrative commerce was carried on with foreigners than is here represented. As there is no reason to believe that these riches were gathered from our mines, it is concluded, that the balance of trade was greatly in our favour. In some countries the influx of the precious metals is an evidence of an extended and beneficial com-

merce; but whether this was the case among the Anglo-Saxons is extremely doubtful. Upon their conquest of the Southern parts of Britain, considerable sums of money must have been collected from the natives; the greatest part of whose wealth gradually fell into the hands of the victors. And there is some reason to believe, that a great part of the gold and silver possessed by the English was derived from hence rather than from a traffic with foreign nations; few of whom held any commercial intercourse with them, or abounded so much with the precious metals as to give them in exchange for British commodities. In countries equally destitute of trade and mines, the churches and convents frequently appeared rich and splendid beyond what might be expected from the general poverty of the people. Such was the superstition of those ages, that a great part of the national wealth, from whatever sources it was derived, gradually fell into the possession of the clergy or monks, where it accumulated in a course of time to a considerable amount, and became

came in some measure useless, till it was brought into circulation by necessity, or some victorious invader. The want of gold and silver, deposited in the churches and religious houses, was supplied by the custom of trafficking by barter, or an exchange of goods, and no more diminished the national trade than the bills of modern merchants.

From the low state of trade and manufactures, and the abject condition of the commons among the Anglo-Saxons, it is natural to infer, that husbandry could not flourish; and on inquiry we shall find as many impediments to a full cultivation of the lands, as to improvements in commerce and the mechanical arts.

The peasants in general were too ignorant to give any remarkable proofs of their skill in agriculture. This occupation requires the assistance of other arts, and a greater degree of knowledge than fell to the share of the husbandmen in those ages, in order to carry it towards perfection. Their skill rarely extended farther than to raise the ordinary sorts of grain, oats, rye, or barley. Wheat required a better preparation

tion
than
in co
the
Wale
ley,
food
whea
a deli
to the
Bu
imper
ons, y
rived
ed to
numb
people
regula
finem
raise g
advan
occupa
slaves,
The
chiefly
herds;

tion of the soil, to cultivate it successfully, than these; and, though it might be grown in considerable quantities in some parts of the South, it was extremely scarce in Wales and the Northern counties. Barley, rye, or oaten bread, was the usual food of the lower class of people; and wheaten bread was looked upon as so great a delicacy, as to be almost entirely confined to the opulent.

But though husbandry might be very imperfectly carried on by the Anglo-Saxons, yet, like more civilized people, they derived many advantages from it. If it served to introduce vassalage, and increase the number of slaves, it assisted in civilizing the people, and in keeping up the form of a regular government. Industry and confinement to certain abodes are required to raise grain; and for this reason, on the first advances of men to a civilized state, this occupation has been usually allotted to slaves, as unworthy of the care of freemen. The antient Britons and Germans lived chiefly on the produce of their flocks and herds; and, long after the settlement of the Saxons

Saxons in Britain, flesh-meat was the chief food of the Irish, Welsh, and Scots. And as long as they confined themselves to pasturage, they must necessarily retain a great portion of their ancient barbarity of manners.

The cheapness of flesh-meat, compared with the price of corn, was undoubtedly one reason for its general use in those ages. From the great quantity of grass-lands included within the forests, chases, parks, and wastes, in almost every part of the island, it may be justly presumed, that the price of flesh-meat, during the summer, must have been extremely low; and as the custom of salting it for winter-use was universally practised, it must at all times have been proportionably cheaper than grain, except in very plentiful years. The woods abounded with hogs, which fed a part of the year on mast, or acorns; and all the parks, warrens, and wastes, were partly stocked with neat-cattle and sheep. The woods seem to have been more valuable on account of the cover they afforded the game, and the maintenance of hogs, than

than for any other uses. The great number of woods made timber extremely cheap; and on this account, as well as the want of workmen to build with stones, almost all the houses, except a few belonging to the nobility and monastics, were built with timber.

Among the various impediments to a vigorous cultivation of the lands, we may reckon the forests. These were secured from the encroachment of the subjects by such severe laws as were a terror and scourge to the whole neighbourhood; and at the same time they were so numerous and extensive, that it was not easy to avoid them in travelling to any place at a distance. At particular times, travellers were scarcely allowed to pass through them on any terms; and at all times the keepers, like the modern Arabs, levied contributions on every passenger who travelled through their territories. As the forests belonged to the crown, the nobility were indulged with parks and warrens, and allowed the liberty of hunting, as long as they kept at a proper distance from the royal

royal forests. Large tracts of land were therefore laid out for these purposes in every part of the kingdom. Soon after the Norman conquest, it is said, there were sixty-eight forests, thirteen chases, and seven hundred and eighty-one parks, in England (e). Such large parcels of waste ground, and the constant trespasses of the deer, through the want of proper fences on the cultivated lands in the neighbourhood, must undoubtedly contribute to diminish the quantity of corn; but the low state of commerce, and the small value of land, made the loss of so much ground to be scarcely felt by the prince or the subjects.

Besides this impediment to a general cultivation of the lands, there were few of those incentives to industry and improvements that take place in modern times. In every country, where the nobility have obtained possession of the greatest part of the lands, and the products have neither been sent abroad, nor arts, manufactures,

(e) Spelm. Gloss. v. FOREST.

and population, encouraged at home, the most careless husbandry has been the usual consequence. And this was in a great measure the case of the Anglo-Saxons. The landed possessions of the nobility were so large, that the rents or products must have been almost useless, if they had not been employed in maintaining a great number of idle domestics and retainers. A more equal distribution of the lands, and a more numerous body of inferior freeholders, are necessary in every country to a full cultivation. And in all ages the best husbandmen have always been the owners of small parcels of ground, who have been obliged to cultivate them with their own hands, and permitted to apply the whole profits to their own use. The ancient Romans afford us an instance how small a portion of land, under the management of an industrious owner, is sufficient to maintain a family. Their farms oftentimes consisted of no more than four or five acres. The inferior tenants among the English generally occupied a larger quantity of land; but

VOL. I. O they

they were neither the proprietors, nor possessed of the skill and industry of the Romans; and, if they had really possessed these qualities, it was scarcely in their power to exert them to advantage. The division of the arable fields was very inconvenient to an enterprising and industrious farmer. The intermixture of property in almost every parish prevented all innovation in the succession of the crops, and checked every improvement. And for the same reason a slovenly husbandry is still to be found in almost all the undivided and common fields in the kingdom; and it is generally the worst where the farms are small and most numerous.

Though it is possible that agriculture may flourish where slaves are the chief cultivators, yet the poverty of tenants is always a great obstacle to its progress and improvement. The Roman husbandmen, indeed, employed a great number of slaves; and in Sicily the number of the latter was almost incredible; and yet this island was for a time the granary of Rome, and the

best
the
in la
able
their
them
cultu
neith
them
their
its an
Roma
tries
trary,
slight
left to
tion,
structi
And
circum
dry m
indust
place f
chase t
most u
y. d. b. i. o.
no. d. c. c. c.

best cultivated country in Europe. And the reason was, that grain was exported in large quantities ; and, bringing considerable profit to the land-owners, they assisted their slaves in person, or liberally supplied them with every thing necessary in agriculture. Afterwards, when they would neither superintend them, nor furnish them with provisions and instruments of their business, the soil seemed to have lost its ancient fertility so far as to oblige the Romans to have recourse to other countries for a supply of grain. On the contrary, among the English, agriculture was slightly attended to ; and the tenants were left to pursue their own mode of cultivation, without receiving assistance or instructions from their masters or landlords. And from persons in their situation and circumstances the most negligent husbandry might be justly expected. A spirit of industry and emulation could never take place so long as they were unable to purchase the necessary stock of cattle, and the most useful instruments of their profession.

And this was usually the case of the English peasants. The farms in general, whether occupied by the ceorles or other free tenants, were too small to encourage industry. They afforded little more than a scanty maintenance to the tenants, and necessarily kept them in a state of poverty. And the great number of services to which they were bound must often oblige them to trespass on a due attention to their own business. And we may add, that the payment of rent in kind must sometimes be inconvenient to the tenant. For though it may seem to be of little moment, whether he discharges his rent by a certain portion of the product of his farm, or by the payment of a sum of money; yet, to omit other inconveniences, the conveyance of corn to the landlord's place of residence, when he lived at a distance, must be troublesome and expensive.

It has been already observed, that, according to a law of Ina, the tenants were obliged to leave a portion of their land sown when the term of their lease expired. And an order of this kind must unavoidably

occasion

occas
who
very
But
the ea
nants,
upon
of the
The
which
Saxon
agricul
reputed
lands
rents a
the pro
the ter
part to
parochi
conveni
home,
distance
with gr
obliged
rity to e

occasion a very negligent culture. Those, who were not permitted to reap, would be very careless about the succeeding crop. But the law was probably calculated for the ease and convenience of the new tenants, who were unable to stock the lands upon their admittance, and affords a proof of the general poverty of the farmers.

The payment of tithes to the clergy, which is frequently enjoined in the Anglo-Saxon laws, was not so detrimental to agriculture in those ages as it is generally reputed to be at present. Wherever the lands are tilled chiefly by slaves, or the rents are discharged by a certain portion of the produce, it is a matter of indifference to the tenant, whether he conveys a tenth part to the barn of the landlord, or the parochial clergy. It is sometimes more convenient to deliver a part of his corn at home, than carry it to his landlord at a distance. Tithes were nevertheless paid with great reluctance, and the clergy were obliged to use all their interest and authority to enforce the payment. In later ages,

when the rents of lands were discharged in money, and the payment of tithes was referred to the tenant, this incumbrance has been thought detrimental to husbandry. And it would have been of benefit to the clergy, if a portion of land had been allotted for their maintenance instead of tithes. Modern parliaments, on the inclosure of common fields, have usually pursued this measure; and in the event it will be found equally conducive to the ease and influence of the clergy, and the promotion of agriculture.

But the low state of husbandry may be attributed, in a great measure, to the want of a proper number of artizans and manufacturers, to consume the products of the lands. The connection between the landed and commercial interest is so intimate in most countries, that they must flourish or decay together. A numerous body of workmen in all the manual arts will create a numerous peasantry; and both will subsist by a mutual exchange of the products of their labours. And in general both foreign and

do.

domestic trade depends on the circumstances and condition of the people. Wherever the lands are cultivated chiefly by slaves, and the greatest part of the subjects is held in a state of poverty and dependence, the domestic trade must be very inconsiderable. The artificer, wanting a market for the sale of his commodities, will become slothful; and the husbandman, unable to dispose of his grain, will be inclined to a careless culture. To promote the industry of both, and increase their number, it is necessary to place them and the people in general in easy and independent circumstances, that they may be enabled to purchase the commodities of each other, and to spend more than is usually allotted to slaves. In some ancient states, the corn-trade, arts, and manufactures, flourished, though the labourers consisted chiefly of slaves; but it ought to be observed, that the freemen in general were in affluent circumstances, or that foreign nations purchased their grain, and other products of their industry. The Anglo-Saxons possessed

fessed none of these advantages : they had
 no constant market for their grain abroad,
 nor for any other commodities that re-
 quired a great number of hands to prepare
 them for use. And the general mode of
 living among all ranks, and the mean con-
 dition of the commonalty, gave slender en-
 couragement to industry in any occupation.
 The nobility and gentry supplied them-
 selves with provisions from off their own
 lands, without having recourse to the mar-
 kets ; and purchased few manufactures of
 value from native or foreign workmen.
 The inferior freeholders maintained them-
 selves nearly in the same manner, and
 either manufactured a great part of their
 own coarse cloathing, or bought it of the
 neighbouring weavers. And it was the en-
 deavour of all ranks to furnish themselves
 with every necessary of life, without being
 obliged to purchase of each other. And
 wherever this is the case, husbandry, ma-
 nufactures, and commerce, cannot lend
 that mutual assistance, which is required to
 give vigour to each.

The manners of the Anglo-Saxons, in general, were not calculated for promoting trade or agriculture. During every period of their history, the government was so unsettled, and the people so ignorant and barbarous, that no lasting regulations could be made, for the administration of justice, or the encouragement of industry. Engaged for a long time in wars with the Britons or each other, they were obliged to maintain something of the ferocity of manners they brought with them; and this must undoubtedly check all improvements in the arts of civilized life. Governed by ancient customs, they had little occasion for written laws; and when these were admitted, the turbulent disposition and power of the nobility prevented them from producing any other than a partial effect. The lower order of freemen was not possessed of a landed property sufficient to counterbalance the power of the aristocracy, and obtain that influence in the government which was required for the support of general liberty. Though the Normans were not eminent for their accomplishments, or skill

skill in the polite arts, they affected to despise the English for their drunkenness, and the coarseness and barbarity of their manners (*f*). And there was too much reason for this charge against them. When the nobility were freed from public or private contentions, or dismissed from the national councils, they retired to their castles or seats, and diverted themselves with hunting, or other rural pleasures, or rather made them their principal employment. Surrounded in these awkward and gloomy mansions by a train of vassals and dependents, they consumed the rents and products of their lands in intemperance, and a coarse hospitality. There was nothing in their mode of living or manners conducive to the advancement of trade, arts, or science.

As to the common people, they were generally in too abject and dependent a state to advance themselves by their industry to that degree of wealth as to attract

(*f*) Gerv. Tilb. p. 410. Chron. Bromt. p. 953.
H. Knyghton, p. 2367.

the notice of their superiors, or attain that superfluity which is necessary to promote foreign or domestic trade. The merchants and tradesmen were few and poor, and dependent for protection on their opulent neighbours: the farmers, who were placed in the rank of freemen, were unable, under the powers exercised over them by their landlords or nobility, to make any great addition to their circumstances; and the serfs, or glebe-tenants, who were the chief cultivators of the lands, and formed a very numerous body, were still more depressed, and obliged to be contented with a bare subsistence. Their state, in many respects, was similar to that of the slaves in other countries, except that its rigors had been softened by the introduction of the Christian religion. But the case of the freemen in England was widely different. In ancient Greece and Rome, the oath of a freeman in judicial causes was admitted as evidence, without distinction of rank: among the Anglo-Saxons, the credibility of every one was commonly estimated by his fortune and station, as if veracity depended on

on wealth, and could be expected only from its possessors. So partial and unjust a distinction between freemen, in every country where the law is vague, must necessarily contribute to keep the execution of justice in the hands of the opulent, and establish oppression and tyranny over the inferior ranks of people. If the power of the princes was limited, the benefit accrued principally to the nobility, who exercised an authority over their inferiors more oppressive than that of the monarch. And under such a mode of government there was a slender prospect of improvement in the condition and circumstances of the people. Commerce was in too low a state to bring about a revolution of landed property and power, and transfer them to the lower class of subjects, in defence of public freedom.

Considering the length of time which the Anglo Saxon government subsisted, and the little disturbance which the people met with from foreign nations, it is natural to ask, what could be the reason of the slow progress of civilization, arts,

and knowledge? Many of the Greek and Asiatic states, in a much shorter period, made a greater proficiency in the arts of improved life. The manners of the Greeks and Saxons, in their primitive state, were equally barbarous; and, what may be thought more remarkable, they were both of them first distinguished in history by their acts of piracy. By accounting for the rapid advancement of arts and learning among the Greeks, we are enabled to assign the causes of the slender proficiency made in them by the Saxons, and other barbarous nations, who settled in the Western empire. The progress of civilization will be always quick, wherever men are obliged to live in cities, and commerce is introduced and encouraged. In both cases, a regular police, laws, and order, are required, and enforced by necessity. And as most of the petty states on the coasts of the Mediterranean were addicted to commerce, and the utmost care was taken to people and adorn the capitals, laws, humanity, and polished manners, were the consequences, and from thence diffused into the neighbouring

bouring country. On the contrary, the Saxons, and all the Northern nations, being fond of hunting, averse to a constant residence in cities, and disregarding commerce, must unavoidably make a slow progress in the arts of civilized life, and employ, as it were, the properest means to keep themselves in a state of ignorance and barbarism. It was scarcely possible for England, or any other principality in Europe, to attain a resemblance to the ancient states of Greece in arts and elegance, till commerce had introduced a regular policy, and the capitals were made the chief residence of their princes, their courts, and officers, and considered as the centers of decency and politeness. And there is greater reason to ascribe the present flourishing state of Europe to these causes, than to the views of its legislators, or the efforts of policy.

REM

MI

TH

CE

T

mann
posse
makin
comm
forme
Englis
had be
them,
under
jects in

begin

C H A P. IV.

REMARKS UPON THE LANDED AND COMMERCIAL POLICY OF ENGLAND, FROM THE NORMAN CONQUEST TO THE ACCESSION OF HENRY THE THIRD.

THOUGH the Normans are said to have been more polished in their manners than the Anglo-Saxons, yet they possessed few of the requisite talents for making improvements in agriculture and commerce. In many respects they conformed to the usages and regulations of the English in both these articles. And if they had been disposed or qualified to improve them, the merchants and land-holders were under too many restrictions, and the subjects in general in too mean and oppressed a state,

a state, for executing such a design. It is much more easy to enumerate the discouragements given both to trade and husbandry, than to point out the regulations made in their favour.

Soon after the battle at Hastings, the conqueror took possession of the demesnes of the crown, and afterwards enlarged them by adding some of the confiscated estates of the English nobility. We are told by historians, that he reserved for his own use above fourteen hundred manors, besides several parcels of land in different parts of the kingdom. In some respects he considered himself as the sole proprietor of all the lands, in right of conquest; and, if he permitted any of the English to retain the possession of their estates, it was looked upon as a favour that might be resumed at his pleasure, and the inheritance withheld from their children without injustice (a). If, however, the Anglo-Saxon nobility felt all the hardships of a conquest, the tenants of the royal demesnes were

(a) Gerv. Tilb. p. 392.

permitted

(b) Chr
Brompt. p.

VOL.

permitted to hold their farms nearly on ancient terms. According to the Anglo-Saxon mode of letting lands, the king reserved upon every lease a stipulated quantity of provisions, and enjoined them to be delivered at stated times to the officers of his household. He nevertheless made some addition to the ancient rents; and, without regarding former contracts, let them to the highest bidder (*b*). The low state of the land-holders in those times will not permit us to imagine, that the real occupiers of his demesnes entered into these leases: it is more reasonable to suppose, that such persons, whose circumstances enabled them to give security for the performance of the contract, collected the rents of the several tenants, and delivered the due quantity of provisions at the stipulated time. And, as many of the royal demesnes were already stocked with plowmen, villains, cattle, and implements of husbandry, it was necessary that the lessees

(*b*) Chron. Sax. p. 128. Ann. Waverl. p. 134. Chron. Brompt. p. 981. Hen. Hum. p. 1212.

should enter into covenant to leave them in the same state at the expiration of the lease. These tenants of the crown afterwards abused their power so much, that an ordinance was made, that the husbandmen should not be distressed or ejected, except in default of paying their customary rents and services (c). But it cannot be supposed, that an order of this kind, so favourable to the English tenants, would be strictly observed by the Normans.

On the first view, it should seem as if this ample provision for the king might have been of great service to the land-owners, by relieving them from the necessity of aids to the crown. The produce of the royal demesnes, and the revenue arising from fines, reliefs, and other claims of the king, were sufficient to defray the ordinary expences of his household, and even to carry on any public undertaking, without applying for the pecuniary assistance of the subjects. Taxes were nevertheless levied, un-

(c) Leg. Ang. Sax. p. 225.

der the name of Danegelt, for some time after the Conquest; and the occupiers of the lands were so much oppressed by these levies, and other exactions of the officers of William the Second, that, if we will believe the historians of those times, the cultivation of the lands was neglected, and of course succeeded by dreadful famines (*d*).

This mode of letting the demesnes of the crown continued in use till the reign of Henry the First, who, wanting money for executing his designs on the continent, appointed proper persons to make an estimate of the value of the provisions which his tenants were obliged to furnish. These were settled according to the following rates, which were extremely low. A quantity of wheat sufficient for making bread for an hundred men was computed at one shilling; a fat ox, at the same price; a ram, or sheep, at four pence; and oats or provender for twenty horses, at the same sum (*e*). The sheriffs of each county were

(*d*) Chron. Sax. p. 205, 213; H. Knighton, p. 2366.

(*e*) Gervas, Tilb. p. 381.

usually charged with the care of collecting these rents, or farmed them at a certain sum, and accounted for them at the Exchequer (*f*). As the coin at that time was very much diminished, the king required the additional sum of six-pence in every pound (*g*). This alteration in the payment of the rents due to the crown was extremely beneficial to the tenants who lived at a distance from the king's place of residence, as the carriage of some sorts of provisions must have been troublesome and expensive. And after the Conquest, this burthen was increased, as the kings did not remove from one seat to another so often as their Saxon predecessors. And it is said, that not only the want of money for the king's use, but the relief of the tenants was one reason for making this alteration. Whenever the plowmen met the king in his progresses, they held up their plow-shares, in token of the declining state of

(*f*) Madox's Hist. of the Excheq. v. II. p. 137. 151.

162.

(*g*) Garv. Tilb. p. 381. Spelman Gloss. v. LIBR.

husbandry, which, among other reasons, was ascribed to the expences incurred by the payment of rents in kind (*b*). As the nominal value of money was incessantly decreasing, and the rents of consequence decreasing in the same proportion, this commutation would have been very advantageous to the tenants of the crown, if the kings had not claimed a power of imposing arbitrary talliages upon all their ancient demesnes (*i*). These levies were commonly settled by the sheriffs, justices itinerant, or other officers of the crown, and were so excessively high, that the tenants petitioned, though without success, to be assessed as other land-owners (*k*). One advantage, however, attended this change in the payment of rents, that it introduced a greater quantity of money into circulation. As long as the rents were paid in kind, cash must have been extremely scarce, and almost needless, as no more could en-

(*b*) Gerv. Tilb. p. 381.

(*i*) Madox's Hist. of the Exch. v. I. p. 412. 612. 700.

(*k*) Id. v. I. p. 723.

ter into the general currency than what was required for other uses; and from the low state of trade, and indigence of the people, it may be inferred, that the national stock of cash was very inconsiderable. The payment of rents in kind, in some measure, reduced the subjects to the state of those barbarous nations who traffick by barter; and, as money among them is almost needless, it cannot be supposed to be plentiful.

This regulation of Henry the First is generally supposed to have extended to almost all the demesnes of the crown, and to have unalterably fixed the rents of the tenants for the future: and, if these had been numerous, it must have had a great influence on the state of the occupiers, by creating a kind of tenants in villainage, under fixed and moderate rents, and who enjoyed, in some respects, advantages equal to freeholders; but the number of these tenants seems not to have been very great. The cottagers and glebe tenants, who paid their rents chiefly in the services of the plow, or personal labour, remained in their former

former state; and many of the manors and lands of the king, which had formerly been managed by his officers, seem to have been still entrusted to their care, and were either let under annual rents, or stocked by them with cattle, and other necessaries of husbandry. This regulation therefore was far from producing so beneficial and extensive an effect as might have been expected, even if it had not been defeated by the arbitrary assessments imposed by the crown. When these talliages were remitted, the boroughs, many of which had formerly been the king's towns, were commonly taxed higher in the public aids than other towns⁽¹⁾. And it might perhaps be owing to these extraordinary assessments and arbitrary exactions of the crown or nobility, that the tradesmen secreted their money^(m). To make, as it were, some compensation for these exactions, the king's towns, as long as they remained in his hands, had the privilege of conferring freedom upon the

(1) Brady on Burghs, p. 66. 69. 77.

(m) Gerv. Tilb. p. 435.

villains who had fled thither, and resided there a year and a day (7). And the tenants of the demesne-lands of the crown, though originally annexed to the glebe, were possessed of some liberties and immunities that distinguished them from the tenants of the subjects. They were acquitted from the payment of tolls and passage in fairs and markets for goods bought and sold there that were the produce of their lands, or necessary for their cultivation, but not for merchandising (8); and they could not be impanneled, or put upon juries and inquests, for any lands held there, except in their own towns. And in later times they were exempted from parliamentary taxes and contributions to the knights who attended in parliament (9).

Besides these ancient demesnes, all the considerable landed estates in the kingdom occasionally fell into the hands of the king, by the failure of heirs, forfeitures, wardships, or in virtue of rights claimed by the

(7) Fitzherbert's Nat. Brev. p. 181.

(8) Id. p. 32.

(9) Id. p. 31. 520.

crown. And whenever this happened, they were disposed of as the royal demesnes, by letting them to particular persons, or entrusting them to the care of the sheriffs, or officers of the king's revenue. And as the trade of the nation was inconsiderable, and there were in those times scarcely any other means of acquiring riches, except from the profits of the lands, the kings virtually possessed the powers of the most despotic monarchs, by the rights which they occasionally exercised over the estates of their wealthiest subjects.

We have an instance in what manner the estates of the king's wards were managed in the time of Richard the First; and it deserves notice, as it was probably the ancient rule in letting the demesnes of the crown. After an enquiry had been made how many oxen and beasts of the plow every manor and each hyde or plowland required for a proper cultivation, a contract was made with the officers of the court of escheats and wards to stock them according to the estimate. But as most
estates

estates were stocked with cattle when the tenant was admitted, he was obliged, at the expiration of the lease, to leave the same number on the premises, or to make satisfaction for them according to the following rates. The price of a labouring ox was computed at four shillings; a sheep of fine wool at ten-pence, one of coarse wool at six-pence, and an hog at twelve-pence. When the term of the lease expired, the tenant was allowed to take with him all his effects and cattle, except such as were the property of the king's ward, and to pay according to the prices abovementioned for all such cattle as were wanting, or to purchase others in their stead (g). Notwithstanding these regulations, the estates, which fell into the king's hands during the minority of the heir, were commonly impoverished, by the waste of goods, loss of tenants, cattle, and implements of husbandry. As a great part of the estate was usually occupied by the owner, and stocked at his expence, it was much easier to com-

(g) W. Malmesb. p. 424.

mit waste than if the rents had been paid in money. And, to aggravate the evil, the crown frequently let the lands of minors through favour, or presented them to some needy dependant, who was to raise or repair his fortune by the plunder of the estate: and even the minors themselves were sometimes disposed of in marriage for a valuable consideration.

The reliefs of lands on the admission of the heir, though for some time after the Conquest very uncertain, may be considered as a kind of fines, and were not, for this reason, so oppressive as the court of wards, and the guardians appointed by the crown.

The Normans, like the Saxons, were extremely fond of the diversions of the chace, and made it one of their principal amusements. William the First increased the severity of the ancient game-laws, and carried his passion for the chace so far as to destroy thirty villages to make a forest. And if some of his descendants mitigated the rigour of these laws, it was only done
to

to serve a purpose, and seldom of long continuance. Henry the First made particular trespasses in the forest equal to homicide, and punished offenders with the loss of eyes, or imprisonment (r). And though Henry the Second, and some of his successors, abated the severity of these laws, yet, on every occasion of disgust against the barons or people, they were put in execution, and immense sums levied by commutations for trespasses (s). Richard the First, equally rapacious and profuse, employed them to extort money from the subjects. And John, on his return from York, ordered the fences of the forests to be levelled, and the deer to be let loose into the neighbouring fields; on which account the abbey of Peterborough paid thirteen hundred and twenty marks for disafforesting some lands belonging to the monastery (t): and there is no doubt but other landowners were obliged to pay large sums for

(r) Chron. Hemingsford, p. 478.

(s) Id. p. 513. Rad. de Diceto, p. 587. Madox's Hist. of the Excheq. v. I. p. 395, 541. vol. II. p. 131.

(t) Mat. Par. p. 228. Swaph. Hist. Corn. Burg. p. 108.

obtaining

obtaining the same favour. Such was the passion for the chace, that trespasses were incessantly committed in the forests; the fines for which made no inconsiderable part of the royal revenue. Every person of rank travelled with hounds and hawks, and all the implements of sportsmen. And in this instance they were followed by the prelates and dignitaries of the church, though forbidden by one of its constitutions (u). The subjects in general could not be more severely scourged for any offence than by letting loose the foresters upon them. Incessant complaints were made against the land-owners, in the neighbourhood of the forests, for purprestures, or encroachments; and, as the boundaries of the forests were not in those times ascertained by perambulations, the people were, on these accounts, liable to suits or litigations with the keepers. All the woods within the precincts of the forests, though the property of the subjects, were wrested from them, or rendered useless, under the pretence of pre-

(u) Chron. Gefv. p. 3466

serving

serving the game. What was deemed
 waste in these woods seems to have been
 very early settled, and the manner of de-
 termining this point was so singular as to
 deserve to be mentioned. When any one
 stood on the stump of a tree, and could see
 five other trees cut down, it was adjudged
 to be waste, and the owner of the wood
 liable to a fine (v). So careful were all the
 foresters to prevent trespasses, that the
 houses within the forests were oftentimes
 searched for bows and nets; the dogs were
 maimed, and the hogs were with difficulty
 permitted to gather the mast and acorns.
 Even the bees, as an old writer humou-
 rously observed, were scarcely allowed to
 wander over these privileged wastes with-
 out envying their spoils. Sometimes, by a
 petition to the crown, and the payment of
 a stipulated sum of money, particular places
 subject to the forest-laws were exempted
 from the jurisdiction of the foresters; and,
 when this favour could not be obtained,
 the boundaries of particular forests were

(v) Gerv. Tilb. p. 396.

ascertained by a perambulation. But these privileges were neither general, nor could they be obtained without great expence to the subjects. In short, a charter of liberty in those ages would have been almost useless to the people; unless aided by a charter of the forests; both were therefore demanded, and established, nearly at the same time.

Though these laws of the forests are now grown obsolete, or feebly executed, yet some of the evils arising from these wastes still subsist. Many of the forests remain in their original uncultivated state, and yield no more profit to the nation than in the days of those tyrannical foresters. If they were properly inclosed and cultivated, they would be of greater utility to the public than the peopling of a province in Nova Scotia. And it must be looked upon as extreme negligence in a nation distinguished for its husbandry to permit such extensive tracts of land to lie waste, and at the same time endeavour, at a great expence, to people the wilds in North America. The wastes

wastes in our own country, if put under cultivation, would afford employment and provision to a great number of people. And it may be observed, that the forests yielded in those ages as much, and probably greater profit than at present. Particular spots, under the name of assarts, were allowed to be cultivated, on certain terms, so early as the time of Richard the First. The annual rent of an acre sown with wheat was estimated at one shilling; and the same quantity sown with barley, peas, or oats, at six-pence (*w*). The sheriffs were usually allowed to make these contracts in their respective counties, and had the care of collecting the rents. And though in ancient times a greater extent of cultivated land would have been of little service to the prince or people, as increasing only the number of vassals, it would at present make an addition to the number of freemen, and in the same proportion encourage industry, and enlarge the national commerce.

Among other grievances complained of by the husbandmen in those ages, purvey-

(*w*) Gerv. Tilb. p. 394. W. Malmesb p. 446.

ance

ance
mily
the
his
land
neigh
saries
him.
thing
seized
of pa
obser
upon
dom,
mand
they
throu
remed
again
king's
fects,
distan
First
people

(x)
Vo

ance for the use of the king and royal family was not one of the least. Whenever the king removed from one seat to another, his retinue assumed a right to pillage the lands of the crown, and sometimes the neighbouring country, of all sorts of necessaries, under a pretence of providing for him. Horses, carts, victuals, and every thing that could be of the least use, were seized by his officers; and though promises of payment were made, they were seldom observed. His domestics too, when sent upon business into distant parts of the kingdom, claimed the same privilege, and demanded a supply of provisions wherever they lodged, and in almost every town through which they travelled. The best remedy which the people could apply against this evil was, upon notice of the king's progress, to retire, with their effects, into the woods, or unto places at a distance from his route (*x*). Henry the First endeavoured in vain to relieve the people, by fixing the prices of provisions,

(*x*) Eadm. Hist. p. 212. W. Malmesb. p. 91.

and the prises of his officers. The custom continued, with some mitigations, and was not entirely abolished till some centuries after his reign.

All the lands of the subjects, under the Anglo-Saxon government, were liable to the repair of castles, as necessary to the defence of the realm; but these fortified places were not then very numerous. The Normans found it necessary to increase the number; and for this reason called upon the people first to erect, and then to repair them (y). Nor did the grievance rest here. The keepers of these castles generally plundered the whole neighbourhood, in order to supply themselves with timber, provisions, and other stores. This custom, like the other, though subject to some limitations by the great charter, was not totally laid aside till the time of the Stuarts.

If the subjects had just reason to complain of the exactions of the purveyors and castellans, they had equal reason, in some instances, to condemn the proceedings of

(y) H. Hunt. p. 216. H. Knyghton, p. 2373.

the sheriffs, as not less oppressive than the other. When the sheriffs were called upon to distrain the cattle of the farmers, for debts due to the crown or subjects, they used great severity in the exercise of their power, and commonly appraised and sold them at low rates (*z*). So beneficial was this branch of their office, that in some counties it was claimed by an hereditary right (*a*). And, to aggravate the oppression of the people, the sheriffs were allowed, in travelling through their counties, to take up their lodgings gratis, wherever they thought proper (*b*). This grievance was so far redressed, under a succeeding reign, as to limit the number of horses and attendants (*c*).

If we may conclude from these accounts, that the jurisdiction exercised by the kings over their tenants and subjects was not favourable to a due cultivation of the lands, the barons and great land-owners will not afford us instances of better regulations in

(*z*) Madox's Hist. of the Excheq. v. II. p. 196.

(*a*) Ibid.

(*b*) Id. p. 147.

(*c*) Ibid. Stat. Westm. i. c. 1.

the management of their estates. In this respect they scarcely excelled the Anglo-Saxons. Many of their estates were retained in their own hands, and stocked at their expence with villains and cattle under the direction of their stewards. The castles or mansion-houses of the barons were commonly surrounded with a park, warren, and groves, which maintained a great number of cattle; and corn and other provisions were brought in at stated times by their plowmen and tenants. Large granaries were built for laying up the corn, and vessels or troughs prepared for salting their flesh-meat, and storing it up for use during the winter.

It has been already observed, that the possession of forty hydes of land was required to qualify an Anglo-Saxon for the honour of a thane of the first rank; and though the same landed qualification was not necessary to entitle a Norman to an earldom or barony, yet many of them possessed more ample estates (d). William

(d) Madox's Hist. of the Exch. v. I. p. 572. 590.

the First was extremely liberal to some of his attendants, in dividing the spoils of the English, and gave them such extensive tracts of land as could be of no use, except in maintaining a great retinue of followers and dependents. And in rude and uncultivated ages this is usually the first species of luxury, and the only way in which the large incomes of the nobility can be consumed. And this was in some measure the case of the early Norman nobility. Unacquainted with those foreign expensive commodities and fashionable articles, which exhaust the revenue of the opulent landowners in modern times, they were obliged to spend the chief profits of their estates in hospitality, and the maintenance of a numerous train of followers. And the want of a foreign market for the principal products of the lands, and the custom of receiving a great part of their rents in kind, enabled them to maintain, on the easiest terms, a retinue of servants in proportion to their incomes, and made such a mode of luxury almost necessary.

The Normans, immediately after the Conquest, were obliged to spread themselves over the kingdom, and settle in every part with a company of armed attendants. The barons and great land-owners might, in this respect, be compared to so many generals, who governed their respective districts by a military force, and at the same time assumed the cognizance of almost every subject of dispute among their dependents. Many of their courts were equal in authority to those of the king (*e*); and though divers attempts were occasionally made by the crown, for some reigns after the Conquest, to reduce the power of the nobility; yet so little regard was paid to the benefit or liberty of the subjects in this design, that they were often obliged to pay a fine, in order to have their causes heard in the king's courts (*f*). Interest or necessity kept the barons within reasonable bounds during the reigns of the two Williams; but they had no sooner won over

(*e*) Madox's Hist. of the Exch. v. I, p. 107.

(*f*) Id. v. I, p. 98. 104. 118. 120. 426. 443.

the natives to their party, or depressed them beyond a possibility of resistance, than they assumed almost an unlimited authority over their tenants and dependents. Henry the First saw the error of his father's conduct, in making grants of such extensive territories and powers; and endeavoured in vain to bring about a more equal distribution of property. Under some of the succeeding reigns, the princes were obliged to court the assistance of the barons against their rivals to the throne by confirming their claims. These concessions, indeed, were afterwards commonly revoked; but the barons submitted no longer than till a favourable opportunity offered to resume them. The policy of some of the kings, and the weakness of others, kept the power of the nobility in a fluctuating state, though the ablest princes could not entirely ravish it from them, and transfer it to themselves. Or if by art or violence they gained a superiority over the barons, their successors were frequently willing to grant, for a valuable consideration, or thro' favour, all the privileges annexed to boc-

lands, under the Anglo-Saxon government. In length of time the nobility had the address to get many of their demands confirmed by Magna Charta; and in limiting the claims of the crown over themselves, almost undesignedly laid the foundation of general liberty. The composition for military service, called scutage, the destruction of castles under Henry the Second, and the appointment of justices itinerant, were measures well calculated for depressing the power and martial spirit of the nobility, if a succession of foreign and domestic wars had not, in some measure, defeated their effects. Military expeditions, both at home and abroad, were, however, so far serviceable in diffusing landed property among the people, that the barons began to dispose of some part of their estates, in order to raise money, to support their expences, though it cannot be supposed, that a large number of additional freeholders would be created by these alienations.

In every country where the husbandmen consist chiefly of slaves and glebe-tenants, the evils of a conquest are not so severely

severe
more
rous
part
own
rewa
occu
tinu
ferre
them
or a
prop
fecte
time
lated
in a
juris
cised
main
held
subje
bertie
servic
the p
they
under

severely felt as where landed property is more divided, and the freemen are numerous. For this reason, though a great part of the lands was wrested from the owners, by the conqueror, for the sake of rewarding his soldiers, yet the tenants or occupiers were generally permitted to continue on their farms. They were transferred to the victors, who exacted from them their accustomed rents and services, or any additional burthens they thought proper to impose. And this was easily effected, as all the laws and usages in those times were, in a peculiar manner, calculated for keeping the lower rank of people in a state of servility or dependence. The jurisdiction which the English thanes exercised over their tenants and vassals, was maintained by the Norman barons. They held their courts in the same manner, and subjected all such as lived within their liberties to many troublesome burthens and services. It would be tedious to relate all the petty impositions of this kind, though they had precedents for most of them, under the reigns of the Anglo-Saxon princes.

princes. Sometimes the tenants were obliged to grind their corn only at their lord's mill, and even to submit to the exactions of his licensed baker. And the barons had a more expeditious way of enforcing their commands, and recovering their debts, than by the tedious process of law. They pounded the cattle of defaulters in the yards of their castles, and by this means soon obliged the owners to submit to their demands. But, however oppressive the petty courts of the lords may be thought, necessity almost enforced their establishment. The mean and indigent state of the people, and the great number of vassals settled upon the lands, required some cheap and expeditious mode of obtaining justice; and in most cases it is reasonable to suppose, that the greater part of the persons who lived within their lord's jurisdiction would voluntarily appeal to him, and submit to his decision. As the people grew more independent, they began to complain of the oppressions in these courts, and to seek for redress in the courts of the king; and the appointment of jus-

tices

tices
equa
the
ance
Bu
in fa
foun
of th
glebe
settle
and
only
dispo
they
in th
subje
ter,
fects
paid
oxen
sale,
to fat

(g)
(b)
(i)

tices itinerant gradually introduced a more equal distribution of justice, and relieved the inferior freeholders from many grievances and exactions.

But, whatever regulations might be made in favour of liberty, the villains, or serfs, found no mitigation of their slavery. Some of them were considered as attached to the glebe, and depended, for a subsistence and settlement, on the will of their masters; and others were liable to be sold, with only this reserve, that they should not be disposed of to foreigners (g). And though they were still allowed to have a property in their cattle and goods, yet these were subject to sale for the debts of their master, when there was a deficiency in his effects (h). So much regard, however, was paid to the interest of agriculture, that oxen for the plough were exempted from sale, as long as there were any other effects to satisfy the creditor's demand (i). This

(g) Gerv. Tilb. p. 393. Rog. Hoved. p. 343.

(h) Madox's Hist. of the Exch. v. II. p. 102.

(i) Gerv. Tilb. p. 438.

was afterwards settled by a statute; but so little regarded, that it was frequently renewed (*k*). The state of the glebe-tenants was nevertheless so far attended to, that their rights, as well as the claims of their masters over them, were, in some degree, settled, and made a part of the English jurisprudence for some centuries.

The disposal of the effects of intestates, under the Normans, may be considered as a species of oppression, or at the least a great discouragement to industry. In the time of the Anglo-Saxon government, the goods of intestates were ordered, on some occasions, to be divided among the children or relations of the deceased (*l*); but, under the early Normans, the king or lord of the fee assumed a right to the disposal of them (*m*); and, as writing was then a rare accomplishment, many persons must frequently die intestate, and undesignedly deprive their creditors or relations of the fruits of their industry and labour.

(*k*) 51 Hen. III. Stat. iv. Stat. West. ii. c. 17.

(*l*) Leg. Ang. Sax. p. 144.

(*m*) Blackstone's Com. v. II. p. 494.

If, in civilized states, dress, equipage, court-intrigues, or more liberal amusements, usually engage the attention of all persons whose circumstances exempt them from personal labour; among the early Normans, military achievements and the diversions of the chase were the chief employments of all the independent orders of the people. Many therefore of the tenures, by which the lands were held of the king or barons, were of a military kind; but in process of time the services required by them were commuted for money. The tenure by socage, as the martial spirit of the people subsided, became the most general, and in length of time was found to be most beneficial to the public. But if lands held in socage were free from some burdens incident to feudal tenures, the owners of them were commonly subject to great exactions on every succession. The uncertainty of reliefs, on a change of heirs, was complained of by the barons, till the value of them was fixed by the great charter; and though it had been usual to receive

ceive a year's profit, and sometimes only an heriot, on the succession to socage-lands, yet the superior lord commonly kept the terms of admission uncertain, in order to extort money from the heir (*n*); and for this reason lands held by this tenure were, in general, of no greater value, than copyhold lands at present, when the fine is uncertain.

The frequency of the famines in those ages affords undeniable proofs of the low state of husbandry, and poverty of the farmers. These excessive dearths, which swept away a great number of people, are sometimes ascribed, by the historians of those times, to the exorbitant taxes levied on the land-holders, to the exactions of the purveyors and officers of the crown, and sometimes to a more probable cause, the wetness of the seasons. This has been at all times, in England, the principal cause of the scarcity of grain, except when occasioned by too large an export. Remarks have been made in some countries, that when particular springs break out, a dearth

(*n*) Dalrymple on Feudal Property, p. 58.

or scanty harvest enfues. This observation is generally placed among the idle prophecies founded on the appearance of a comet, mock-sun, or other unusual phenomenon, though it is built on a better foundation. Rainy seasons were equally the causes of these extraordinary springs, and of the scarcity of grain which commonly followed (o).

The miserable state of the occupiers of the lands, and the smallness of their farms, will not permit us to imagine, that a proper provision could be made for a scanty harvest. Like the slaves or vassals in other countries, their principal care extended no farther than to supply their own immediate wants, and the demands of their landlords. In times of great plenty, the price of grain was immoderately low, as very little was exported; and during a scarcity, it was excessively high: both of which are equally pernicious to husbandry. So little provision was made for unfavourable seasons, or even against a severe winter, that

(o) Camd. Britan. p. 741. 748.

a great

a great part of the cattle usually perished at these times. Many of the sheep, indeed, survived, as more care was generally bestowed upon them than other cattle. They were commonly kept in barns, or small inclosures, in the nights during the winter, either to prevent them from being stolen, or to improve the quality of the wool, which was beginning to be the richest article of the English commerce. And it is not unlikely, but the increased number of sheep, for the sake of traffic in their wool, might help to discourage tillage, and bring on those grievous famines, which seem to have been more frequent than in former ages. The land-owners, finding greater benefits from their flocks of sheep than raising corn, converted many of their tillage-lands into pastures, and gradually diminished the quantity of grain. And as fewer persons were required to attend the flocks of sheep than to till the lands, the number of farmers and cottagers would be sensibly reduced. Some advantages, however, arose from this change, in the application of the lands. Many of the vil-

lains
on ea
to th
Unde
ons, v
fideral
land o
were
pastur
duced,
confide
fitable
be one
gradua
Conqu
of the
tiors to
declin
willing
onger,
them in
liberty
From
Englan
essions
succeedi
VOL.

lains were abandoned, or set at liberty, on easy terms, as no longer so profitable to their masters as in preceding ages. Under the government of the Anglo-Saxons, when the export of wool was inconsiderable, and tillage encouraged by every land owner, the serfs and inferior tenants were useful, and even necessary: but, as pasturage increased, their number was reduced, and many of them began to be considered as burdensome, rather than profitable to their landlords. And this may be one reason why the number of freemen gradually increased from the time of the Conquest. The Normans, finding many of the glebe tenants settled in their manors to be in some measure useless, by the declining state of tillage, and perhaps unwilling to afford them subsistence any longer, might be induced to emancipate them in their own relief, or to offer them liberty on very moderate terms.

From the union between Normandy and England after the Conquest, and the accessions of territory, which were made by succeeding kings, it might have been expected,

pected, that some advantages would have accrued to both countries, by an exchange of each other's products: but, excepting wines, these were too much alike to lay the foundation of a profitable traffic between them. If proper encouragement had been given to trade, the lands would have felt the influence by an advance of their rents, and a more industrious culture. Nor is it possible, in many cases, that the lands should make the most profitable returns, or be cultivated to their full extent, without permitting a free and large export of their products. The superfluous commodities of one country may bear a considerable price in another; and this, in return, may have other goods to give in exchange, to their mutual advantage. The timber of the Northern, and the wines of the Southern parts of Europe, owe their value, in a great measure, to the demands of other countries, and without permitting their export would be almost useless to the natives. This is now so well understood, that every European nation is endeavouring to gain the advantage of each other,

other, by exchanging such commodities as employ the greatest number of hands to fit them for use, for raw and unwrought materials. In those early ages this policy was little understood. It seemed only necessary for the purpose of commerce to make an exchange of goods, without attending to the number of workmen they employed. Wool was exchanged with the Flemings for cloth; and it may be thought remarkable, that the first advance of the value of lands, and the richest branch of trade, should be owing to the export of a commodity that tended to depopulate the country, to diminish tillage, and make the nation almost tributary to foreigners for one of the most necessary articles of life.

A mercantile people would have endeavoured to turn the native commodities of a conquered country to advantage, by encouraging their export, and augmenting their quantity; but the Normans were little superior to the English in those arts and improvements of life, which give birth and support to manufactures and commerce.

merce. The reproach of drunkenness, charged on the English, was, in a few years, applicable to the Normans, who, like other conquerors, adopted the vices of the vanquished. They were, nevertheless, in some respects, superior to the English. They built more sumptuous houses, and affected greater elegance in their dress, furniture, and manners (p). The nobility, spending their time chiefly in their castles and country-houses, and conversing little with each other, had all that decency and politeness which consist in ceremony and form, and all the respect which can be created by a numerous retinue of servants. Qualities of this kind contributed little to the advancement of foreign or domestic trade. The military tenure, by which most of the lands were held, and the constant feuds among a factious and turbulent nobility, must unavoidably prevent many persons in opulent circumstances from giving a proper attention to arts and commerce; and the

(p) W. Malmesb. p. 57. H. Knyghton, p. 2369.
Chron. Brompt. p. 953.

custom of retaining a numerous train of servants must disqualify many of the lower class of people for more useful services and personal labour. If we except the barons, clergy, and a few others, the remainder of the people was held in such a state of vassalage and dependence, that it was not in their power to encourage the artist and manufacturer. Though some of the Normans are said to have been fond of agriculture (*q*), yet the care of the lands, and many of the mechanical arts, were usually referred to the villains, or to those who were scarcely raised above the condition of slaves. The arts, indeed, as before observed, had flourished in Greece; and husbandry had been successfully carried on in Italy, and other countries, under the care of slaves; but they were directed by masters who thought them worthy of attention. On the other hand, the English and Norman gentry held all manual occupations in the lowest estimation; and looked upon ignorance in many useful arts as an honour to their rank and character.

(*q*) Ingulph. Hist. p. 77.

The barons and prelates affected great pomp, and thought it necessary to their grandeur to be surrounded by a numerous company of servants and attendants, which they maintained in great splendor. Becket's retinue of knights and dependents is not taken notice of by historians, on account of its singularity; since every other person of distinction commonly maintained as many as his circumstances enabled him to support. Among these some degree of elegance in apparel might prevail; but many of them were unable to support their knighthood by an adequate fortune; and their demands were too small to improve the ancient manufactures, by encouraging the workmen to greater industry and excellence. It can give us no favourable idea of the useful luxury of those times to be told, that the rooms of Becket's palace were covered with rushes in the summer, and with straw or hay in the winter (*r*). Nor was the furniture of the king's bed-chamber less extraordinary. His bed was

(*r*) Madox's Hist. of the Exch. vol. II. p. 311.

usually

usually stuffed with straw ; and some lands were held on the condition of finding clean straw for his use, when he resided at a particular house (s). The monastics, indeed, soon after the Conquest, began to complain of the luxury of the times ; but their declamations were principally levelled against wearing piqued shoes and long hair : fashions, like many others, that might be very troublesome, and at the same time useless towards promoting the interest of trade. To shew the prevalence and duration of fashion, it may be observed, that the custom of wearing piqued shoes continued in use till the reign of Edward the Fourth, when their length was limited by a statute (t). If there was any thing of our own manufacture, that deserved the name of luxury, it was the needleworks of those times. Many of these were designed for making the copes and vestments of the clergy, or for adorning the shrines and altars in the convents and churches.

(s) Chron. Wykes, p. 43. Camd. Brit. v. I. p. 331.

(t) 4 Edw. IV. c. 8.

London was so famous for works of this kind, that they were requested as presents by one of the popes (*u*). But they were too much limited in their use to become objects of national importance as articles of commerce. The trade of the nation, excepting the export of wool, continued nearly in the same state as under the Anglo-Saxons. No new arts or skill in manufactures were imported by the Normans; and no addition was made to the liberty of the subjects, which might tempt them to exert genius and industry, and enable them, by the returns of their labours, to promote trade by the consumption of native and foreign commodities.

The invasions of the Danes had obliged the English to form a navy; and William the First, as well to repel the invaders as to transport troops into his foreign dominions, had a considerable fleet, a part of which might occasionally be employed in conveying merchandise into other countries. Corn was sometimes exported to

(*u*) Matt. Paris, p. 705.

France and other states ; but the demand for it abroad was not constant, nor could leave be always obtained to export it. Richard the First ordered the sea-ports to be guarded for a time, that it might not be sent abroad, and commanded the masters of five ships at Valeri to be hanged, for exporting it without his leave (*w*). Nor was the quantity of leather, or skins, so large as to employ a great number of vessels. Wool was an article of the greatest value, and for some centuries after the Conquest was continually increasing in quantity and price. The ransom-money of Richard the First was, in part, raised from the sale of this article ; and the people had scarcely any other commodity that was in demand amongst foreigners. Though the export of this useful material may be thought, in modern times, to have been an impolitic measure, by discouraging tillage and population, it served in those ages to give in exchange for foreign goods, and advanced the value of landed property.

(*w*) Rad. de Diceto, p. 696. Chron. Brompt. p. 1275.

And as skilful workmen were then wanting to manufacture it, if it had not been exported, it would have been almost useless to the subjects.

The Flemings, who were driven out of their own country by an inundation, and retired into England in the time of Henry the First, might have been extremely useful to the natives, by their skill in some branches of the woollen manufacture, if they had been employed to instruct them. They must have been numerous, as they were removed from the North to the borders of Wales, in order to form a barrier against the incursions of the Welch; and they acquitted themselves so well in the capacity of soldiers and merchants as to become subjects of panegyric (x). They would have been much more serviceable, if they had been employed to improve the English in the art of weaving; or, at least, if they had been placed in a situation where they might have communicated their skill, and disposed of their goods with greater

(x) Gir. Camb. Itin. Wal. p. 848. W. Malmesb. p. 89.
H. Knyghton, p. 2377.

ease than in a remote corner of the island, in which they were liable to incessant interruptions from their fierce neighbours; but the benefits of trade were imperfectly understood, or slightly attended to by the princes or their subjects.

In every country where honour and respect are annexed only to the profession of arms, trade will be looked upon as disgraceful to the gentry, and consigned to Jews, usurers, and the lowest of the people (y). And, if commerce had been a more creditable employment, it could not flourish under the arbitrary exactions of the monarchs of those times, who assumed a sovereign jurisdiction over all its branches, and frequently seized the merchandise of the subjects or aliens without distinction. The duties or customs levied on goods imported or exported were, for some time after the Conquest, in a great measure undetermined, and collected by officers, who sometimes plundered, instead of protecting the merchants. Through interest or bribes, a licence to trade might be obtained from

(y) Gerv. Tilb. p. 436.

the crown by particular persons; and if a few were enriched by the grant, the industry of others was proportionably discouraged. So far was commerce thought to be at the disposal of the king, or under the controul of his officers, that it was dangerous to intermeddle in any of its branches without having obtained leave, by a fine or a present. Every privilege relative to trade was exposed to sale, and might be obtained for a valuable consideration. And traffic, even in the most necessary articles, was under great restrictions. The people were compelled to pay a fine for leave to export corn, leather, cheese, or any other commodity; to remove corn from one county to another; to sell dyed cloth, or to salt fish in a particular manner (z). The king's officers were seldom to be approached by the subjects without a present in their hands, though this was sometimes extremely trifling. When nothing of greater value could be extorted, they stooped to receive an hawk, hound, or

(z) Madox's Hist. of the Exch. v. I. p. 3. 46. 470.

a few fowls, for granting what justice and public utility required.

As little intercourse was kept up between the several nations of Europe, and acts of piracy and robbery were frequent, strangers were commonly received with marks of jealousy, and seldom permitted to visit the interior counties, except at the time of a fair. If any foreign merchants resorted to England at these seasons, their residence was usually limited to forty days (*a*). A longer residence would have been equally dangerous to their persons and property, by the jurisdiction or powers which the crown or barons exercised over all strangers who lived within their territories. And when the borough-towns became more numerous, and the tolls or customs were farmed by the inhabitants, every tradesman, whether a native or alien, if he was not admitted to his freedom, was liable to expulsion, or to grievous exactions by the burgesses. These regulations of trade, if they deserve the name, seem to be calculated rather to depress than encourage the spirit

(*a*) Parliam. Hist. v. II. p. 198.

of commerce, and could answer no other end than to form monopolies destructive of its progress, or to make it unprofitable to the greatest part of the people.

Almost all the laws and customs, which had been introduced by the Anglo-Saxons for regulating domestic trade, continued in force after the settlement of the Normans. Nothing was allowed to be sold above the value of four-pence, except in cities, boroughs, and fairs, under a pretence of preventing theft and frauds, but rather with a view to collect the tolls (*b*). Even the butchers were not allowed to sell their meat in any other places (*c*). Nor were any cloths, except black, permitted to be dyed but only in cities and boroughs (*d*). When the merchants conveyed their goods to any markets in the inland counties, they were incessantly subject to exactions for passing bridges, forests, and other privileged places; and when they exposed

(*b*) Leg. Ang. Sax. p. 226. H. Hunt, p. 347.

(*c*) H. Hunt, p. 343. 347.

(*d*) Mat. Paris, p. 191. H. Hunt. p. 440.

them

them to sale, they were obliged to submit to a variety of customary tolls. These are enumerated, with great exactness, in some antient charters, and serve to shew for what reasons the barons and others solicited these grants from the crown. As long as the market-towns were few, and little frequented, and the trade of the nation was carried on chiefly at fairs, the tolls at such times might amount to a considerable sum; but at present, by the alterations in trade, and the decreased value of money, they are become trifling, and the payment of them rather troublesome than oppressive to the subjects.

The credit of every person concerned in trade must unavoidably have been low, on account of the scarcity of money, the high rate of interest, and the extreme difficulty of giving proper security for the payment of debts or goods. Most landed estates could not be alienated or transferred without great trouble; and the small parcels of lands possessed by the inferior freemen were subject to such a variety of services and demands as to be almost useless for the
pay-

payment of creditors. It frequently happened, that no money could be borrowed upon them, nor an alienation made, without the leave of the superior; and this could seldom be obtained without the payment of a fine. For this reason, the credit of every merchant was chiefly confined to his capital stock; and that of the buyers, to the ready money they were able to procure: and, from the great scarcity of cash, and the general poverty of the people, the credit of both must have been too low to carry on an extended commerce.

If, however, trade laboured under these, and other discouragements, it kept gradually increasing from the time of the Conquest. The Saxons and Danes, after their settlement in Britain, maintained a constant or occasional correspondence with the inhabitants of the North, which was not entirely lost after the arrival of the Normans. The furs and hawks, which were imported from Norway and the Northern regions, and the grain exported thither, afford an evidence, that these countries were visited by the English; and it is not unlikely

likely but dried fish was brought from thence in exchange, as this was the chief article of their commerce. Timber, and almost all other commodities that now support the trade with the Northern states, were, in those times, almost equally plentiful in England. But on whatever account this correspondence was kept up, all the coasts of the Mediterranean were unknown to the English seamen. The connection with the see of Rome was on a religious account; and those who resorted thither usually passed through France; and all the commodities which the English received from the mercantile states of Italy were imported by the merchants of Florence, or other foreigners, or conveyed through France. In the time of the Crusades, connections were formed with Italian merchants, who, on this account, might be induced to send larger quantities of goods to the Western parts of Europe; and tho' these romantic expeditions cannot be defended on the views of policy and utility, they were nevertheless productive of some benefits in exchange for the treasure they

exhausted. They allayed, for a time, the domestic broils so frequent in those ages, and introduced a more liberal intercourse between the several nations of Europe. Before the time of these expeditions, every petty state on the continent was so much engaged in suppressing the factions which were incessantly breaking out amongst the nobility, or so unconcerned about the fate or fortunes of the bordering countries, that there were the slightest commercial or political connections formed betwixt them. The mutual interests of trade between remote, or even neighbouring nations, were scarcely attended to; nor were the oppression or ill treatment of the subjects of any prince in a foreign country always thought worthy of resentment, except when it was in his power to retaliate, and thereby prevent all future correspondence. The princes of those times looked upon themselves, by a kind of mutual consent, as possessing an absolute command over all strangers who resided within their territories, except at the time of a mart, and considered every

privilege

privilege they granted, and even acts of justice, as special favours. The territorial jurisdiction exercised by the nobility, and the distribution of countries into small principalities, might probably be the reasons of this harsh proceeding with foreigners. In ancient times, every country just emerging from barbarism, and divided into small cantons, was commonly noted for the inhospitable manners of the inhabitants. Italy had formerly been broken into little independent states, which made travelling dangerous, and prevented the resort of strangers (e). So that the free intercourse, which now subsists between the several nations of Europe, may be ascribed, among other causes, to the abolition of the territorial jurisdiction exercised by the petty princes and nobility. By the aid of commerce, and the connections formed on that account, every new art and improvement in life gradually make their way into other countries, and enrich them as well as the inventors. And tho'

(e) Livii Hist. l. i. c. 18.

the Italians, in the time of the Crusades, had not attained to that degree of skill in manufactures, arts, and science, which they afterwards possessed; yet they were in these respects greatly superior to the English, French, and Germans, who might have borrowed many useful inventions, and received from them instructions in literature and government. But the beneficial effects of this intercourse with foreigners were not so visible in England, and other Northern countries, as might have been expected. No marine was formed, no new discoveries in arts or knowledge, nor any improvements in manufactures, were imported by the Crusaders. After their return, they contented themselves with the fame of their prowess, and permitted the states of Italy to reap the chief benefits of their expeditions. These drew from the adventurers immense sums of money for their passage, and then took all the advantages of their conquests. Tho' the kings Richard and Edward had an opportunity of forming commercial connections with the Greeks and Italians, some

cen-

centuries elapsed before any English merchants sent trading vessels into the Mediterranean.

Perhaps the greatest advantages derived from the Crusades were owing to the assistance which they gave in reducing the wealth and power of the barons and gentry, who were obliged to alienate their lands, in order to raise money for their maintenance abroad, and thereby diffused property more equally among the people (*f*). The alienation of lands, according to the feudal system, was extremely difficult. Some superior lord had usually a claim upon the estate of every inferior freeholder; and his consent to exchange tenants could not always be easily obtained. On occasion of the Crusades, leave was commonly given by the superior to alienate on moderate terms; and though the prelates and monastics, both in England and other countries, by possessing the greatest sums of ready money, were the principal

(*f*) Robertson's Hist. of Charles the Fifth, vol. I, p. 32.
Mat. Paris, p. 778.

gainers, and enlarged their revenues and power by purchasing the estates of the Crusaders, yet it may be justly presumed, that other persons in lower circumstances would take the benefit of these offers, and place themselves in the number of freeholders. In England, the kings were the greatest sufferers by these expeditions. Richard the First mortgaged his revenues, and sold a great part of the ancient demesnes of the crown; and though he afterwards endeavoured to resume them, yet it should seem without success. John, his successor, by his own profusion, or the alienations made by his brother, was in such needy circumstances as to be obliged to have recourse to the contributions of his subjects, who were always unwilling to grant them without some concessions in their favour. The largest and most populous towns belonging to the crown were generally ready, by a joint collection, to purchase some new privilege or immunity; and the king was equally ready to grant it on their own terms. To this cause we may attribute the creation of a great number

ber of boroughs, and the improved state of the inhabitants, which gradually followed.

After the arrival of the Normans, the few privileges which the most favoured boroughs possessed were either wrested from them, or looked upon to be at the disposal of the victors. William the First confirmed the charter of the Londoners; and, by declaring them to be law-worthy, and permitting their children to succeed to their estates and effects, established all the rights they had formerly possessed (g). During the succeeding reigns, the number of boroughs and corporate towns was increased, and their privileges enlarged, till in the time of John almost every considerable town belonging to the crown obtained the franchises of a borough by gift or purchase. Many of these privileges appear at present to be extremely trifling; but they were in those times of great use, and even necessary to the encouragement of trade: afterwards they were converted into monopolies, and by the exclusive rights which

(g) Brady on Burghs, p. 28.

the burghes possessed or assumed, interrupted its progress. The most valuable privileges belonging to the inhabitants of the boroughs was that of appointing their own officers, and of farming the tolls and revenues of their towns at a certain sum. This being fixed, some limitations were put on the arbitrary exactions of the crown; and the rent remaining without variation, in a course of time, by the decreasing value of money, it became very trifling. From this era, a spirit of industry began to diffuse itself in the boroughs, and prepared the way for a more free and extended commerce. Something similar, though on a more enlarged plan, had taken place in other countries. The lawless exactions of princes in those ages contributed to the rise of the Hanse towns, and threw almost every lucrative branch of trade into their power. Forming themselves into a kind of republics, and fixing the duties and imposts on every mercantile commodity, they led the inhabitants to industry, under an assurance of receiving its rewards; while the

the subjects of other states, where the same useful regulations were not established, laboured under every difficulty and oppression that could embarrass or ruin commerce.

Amidst, however, all the discouragements to trade, some regard was paid to the manufacture of woollen goods. Gilds of weavers were formed under Henry the Second in London and other places (*b*); and though it may be supposed, that the workmen were neither very numerous, nor expert in their business, yet they served to keep up the little skill in the manufacture of cloth which they then possessed, and prevented it from being entirely lost. The gilds or companies might be dissolved, and the workmen dispersed, in the confusions that followed his reign; but the art of weaving would be so far retained, as to supply the common people with coarse cloth. And there is no reason to doubt, but that weavers were to be found in most counties, who supplied the neighbouring

(*b*) Hale's Prim. Orig. p. 161.

inhabitants

inhabitants with their manufactures, tho' too few in number, in most places, to be formed into gilds.

It is not easy to conjecture on what pretence cloth made of Spanish wool was ordered by Henry the Second to be burnt. As it can scarcely be supposed, that English wool was dearer, or even equal in fineness, to such Spanish wool as would be imported, it may be presumed the king was willing to encourage the manufacture of our own wool. There is no reason to believe, that our wool was at that time finer than at present. A much greater quantity of coarse than of fine cloths was required for domestic use, on account of the general poverty of the people; and the finest parts of our own wool might supply a sufficient quantity for the cloaths that were worn by the gentry.

The plundering of the monasteries seems, on the first view, to have promised some advantages to trade and husbandry, by spreading the riches deposited there among the people, and making them useful to the public. The writers of those times have

taken

take
cum
mon
First
there
ries.
thou
not
stood
bition
the o
plots
gover
chear
beside
perty
fects
there
that a
betwix
have b
brough
would
of the
(i) V
S. Dunel
taken

taken care to inform us, with every circumstance of aggravation, how cruelly the monastics were treated by William the First, and what immense sums were gathered from the plunder of the monasteries. The superstition of those times, though its influence was powerful, was not able to restrain his avidity, when it stood in the way of his interest or ambition. He considered the monasteries as the chief seminaries of rebellion, where plots would be formed for disturbing his government, and whose riches would be cheerfully expended in this service. But, besides the money which was the property of the monastics, he seized such effects of the subjects as had been deposited there for safety, though justice required that a distinction should have been made betwixt them (i). If these riches could have been dispersed among the people, and brought into currency, a great addition would have been made to the trading stock of the nation. But on many accounts the

(i) W. Hemingford, p. 459. Hist. Bliens. p. 515.
S. Dupelm. p. 296. 967.

rich spoils of the monasteries were of slight service to the public. The occupiers of lands, the tradesmen, and manufacturers, were held in such a state of vassalage, that they could not feel the effects of this additional wealth. The price of provisions and other commodities remaining the same, the price of labour would keep pace with it; and until these obtain an advanced value, no addition can be made to the cash in circulation by the influx of money, except by increasing the number of inhabitants. As long as the greatest part of the people was deprived of liberty, and almost of property, it was of little moment to them, whether the riches of the religious remained in the monasteries, or were removed into the chests of the king or his officers. The greatest advantage accruing to the subjects from these spoils was, that they were relieved from extraordinary levies to the king. Having a great number of mercenary troops to reward, and requiring supplies for carrying on his designs upon the continent, William the First employed them in these uses; for which reason a very

slender

slender addition was made to the national currency.

The religious houses, by accumulating wealth, as it gradually flowed into the nation by commerce, or the acquisitions of industry, helped to keep the price of labour, provisions, and all the products of the lands, nearly on an equality, for a long period of time. In some ancient states, where the people enjoyed a greater share of liberty, and their commerce was more extended, a like effect was produced from a cause not very dissimilar. Some of the Greek and Asiatic states locked up a great part of the public revenues in their treasuries, and reserved it for particular exigences: keeping by this means nearly an equal quantity of money in circulation, although the trade of the inhabitants constantly increased, the rates of labour and provisions continued almost the same. The bullion that is brought in by commerce or acquired from mines in modern times, by entering into circulation, has reduced the value of money; or, what is the same thing, it has nominally advanced the price of

of labour, provisions, and lands. But these effects are owing not so much to this accidental influx of wealth, as to the free and improved state of the people, and the abolition of vassalage in almost every part of Europe. Wherever the subjects in general are held in a state of servitude, the national riches, or the cash in circulation, must be much smaller than in countries where the freemen are more numerous, and permitted to enjoy the fruits of their industry. For these reasons, the spoils of the monasteries made a less addition to the public currency, and had a less influence on the value of lands and their products, than a proportional quantity would have in the present age. And for the same reasons it is doubtful, whether the riches which are lodged in the churches and monasteries of some European states, if they were seized by their respective princes, and applied to public uses, would not in a few years disappear, without making a sensible addition to the wealth of the subjects. The value of lands, and all the articles depending upon

upon them, must be augmented, before these additional riches could be retained in the nation, and circulate among the people. And this event cannot be expected, without adding to the freedom and industry of the subjects, and enlarging, as well as securing, the personal property of every individual.

If the expensive ornaments or occasional donatives to the churches and convents diverted money from the course of trade, and thereby made it in some measure useless, the landed acquisitions of the clergy and religious were almost equally pernicious; and after the first shock of the Conquest these were continually increasing. In every commercial state, acts of mortmain are in some degree necessary. Trade can seldom be carried to its utmost extent without almost an unlimited freedom to alienate landed property, and convert it into money for the payment of debts. The credit of the merchants and subjects in general is enlarged in proportion to their estates, and the facility with which an alienation can be made. Every restraint therefore on the sale

sale of lands must operate upon trade, and interrupt its progress and extent. But as almost all other lands, as well as those belonging to the clergy and monastics, were equally unalienable, and the trade of the nation was extremely low, the pernicious effects of these landed endowments were not sensibly felt. In length of time, some limitations were put on the acquisitions of the clergy, but rather with a view to repress and abridge their power, than to enlarge the credit of the merchant, or the trade of the nation.

Whatever reasons the ecclesiastics might have to complain of the depredations committed upon their estates by the Normans, they soon recovered their losses, and in a few years after the Conquest became almost as opulent and powerful as in the time of Edward the Confessor. The princes and churchmen in other countries, by supplying the Crusaders with money for their journey into the East, gained the possession of considerable estates; and, if the English prelates and monastics had not an opportunity

of making the same advantages of the zeal of their countrymen, the transmarine dominions of the crown answered nearly the same purpose. The nobility and gentry were oftentimes obliged to mortgage or sell their estates, in order to equip themselves for the voyage, and do honour to the prince by the splendor of their dress and equipage; and as the clergy were generally possessed of large sums of money, they were the principal purchasers. But their opulence was derived from other sources. Superstition, under their direction, proved as profitable a vein of wealth as the charity of more enlightened ages. Amidst the licentiousness and disorders which were then frequent, crimes equally shocking to justice and humanity were committed by all orders of men; and, under a consciousness of guilt, benefactions, or donations of lands or money to churches or monasteries, were looked upon as a proper atonement. Henry the First built a monastery with this view; and others made compensations for their

vices by similar foundations (*k*). From these, and other sources, their acquisitions became so large, and their power so extensive, that the princes and subjects began to look upon them with envy and jealousy; but both were withheld from wresting their possessions from them, not only by the terrors of superstition, but by political reasons. The kings were frequently obliged to make use of the influence of the clergy, or to court their assistance in confirming their title to the throne; and the monastics had been so often harrassed by their potent neighbours, who were constantly encroaching upon their lands, or disputing the validity of their title to them, that they found it expedient to purchase the protection of some powerful baron, by consigning to him a part of their estates, under a very moderate rent. By thus admitting the laity to a share in their revenues, they found for a time able advocates for their cause; till at last their power and possessions became so enormous, that it was

(*k*) M. Paris, p. 62. Pet. Blef. p. 120. Hume's Hist. v. I. p. 62. 115.

found necessary to settle the extent of their privileges by the Constitutions of Clarendon, and afterwards to limit their landed acquisitions by statutes of Mortmain.

If we review the period of time from the Norman Conquest to the accession of Henry the Third, neither the public regulations, nor the customs and manners of the people, seem to have been calculated for extending the commerce, or promoting the industry or internal wealth, of the nation. Though some advances were made towards improving the state of the subjects, they were too inconsiderable to effect a great alteration. Agreeably to the wishes of the people, some of the Anglo-Saxon customs had been re-established, and admitted as laws, but still subject to so many reserves, as to render them almost useless. It was nevertheless of service to the public, to substitute a written law instead of vague and particular customs, which, however inconvenient for a time, promised, in some future period, to introduce a more regular government and more useful regulations. And, indeed, the progress of arts

and civility is always gradual, and oftentimes imperceptibly flow, unless aided by particular circumstances, and a train of events, which few nations have been so fortunate as to enjoy. If the Normans excelled the English in decency of manners, and other external accomplishments, they were equally unskilled in all the useful arts and occupations of life. And the commercial connection, which was necessarily formed between England and the king's transmarine dominions, was of slender service to our trade or manufacturers. There were few commodities which could be exchanged to the benefit of both countries. At the same time that trade laboured under many inconveniences, no addition was made to the liberty of the people, which is the chief incentive to industry and commerce. Vassalage was maintained nearly in its ancient rigor, and all the occupiers of the lands were held in their former state of servitude or dependence. If some rays of liberty began to break out in the boroughs, their beneficial effects were intercepted by the princes, nobility, or others,

who

who frequently extorted large sums of money for protecting them in the enjoyment of their charters and franchises. Nothing seems to have been attended to by all the independent orders of the people; but the profession of arms, and the struggles for the crown and domestic broils, made it in some measure necessary. It was at the same time encouraged through views of policy. If William the First endeavoured to depress the martial spirit of the English, by denying them the use of arms, he took every method to rouse and maintain it among his countrymen and followers, by obliging every considerable land-owner by the tenure of his lands to attend on every military summons. Such a plan of policy, however useful it might be in those unsettled ages, must have had a pernicious influence on all those arts which embellish or improve human life, or at least must retard their advancement, by diverting the attention of all the independent orders of the subjects to other objects. For some years after the settlement of the Normans, the authority of the laws and
 antient

ancient customs, how well soever calculated for promoting the public welfare, were submitted to with great reluctance by men who had so lately subdued the kingdom by the sword, and were always in a posture to assert and defend their privileges, or the jurisdiction, which they possessed or assumed over the inferior ranks of people. Hence arose incessant opposition and disturbance in the execution of justice, and a total neglect of that order and police which are so essential to the introduction and support of arts, manufactures, and commerce.

There were above sixty thousand knights' fees in the kingdom, the owners of which, excepting the clergy and conventuals, who were allowed to send deputies, were required to be always ready to obey the military orders of the crown. And, as some degree of honour was annexed to the order of knighthood, it was for a time held in repute; and though a landed qualification was sometimes required to entitle men to it, yet this was frequently dispensed with, and persons of very moderate fortunes admitted

to

to
fun
kin
esta
pou
men
free
cult
dry,
oblig
mou
And
beca
fence
went
robbe
mart
Nativ
other
tions
know
their
the o

(l) S
(m) C
(n) M

to the honour. In after-ages it became a fund of oppression in the hands of the kings, by calling upon the owners of small estates to receive knighthood, or to compound for their refusal by a pecuniary payment (*l*). At the same time, the inferior freeholders, who are usually the first in cultivating and promoting trade, husbandry, and other useful occupations, were obliged to be provided with a set of armour, according to their circumstances (*m*). And robberies were so frequent, that arms became necessary for their security and defence. The citizens of London generally went armed in the evening; and gangs of robbers occasionally infested every noted mart and populous town in the kingdom. Native and foreign merchants were of all others the most exposed to their depredations: and it was often difficult to bring known robbers to justice, on account of their rank or connections (*n*). Many of the order of knighthood, when dismissed

(*l*) Spelm. Gloss. v. Eq.

(*m*) Gerv. Mon. Dorob. p. 1459. Hoved. p. 350.

(*n*) M. Paris, p. 744. 758. 760. 832.

from

from military service, maintained themselves in a great measure by rapine and violence. We may form some idea of their condition and mode of life from the edict or award issued by Henry the Third at Kenilworth. Knights and Esquires, who had been robbers, if they possessed no estate in lands, but only effects, were enjoined to redeem themselves by the payment of an half of their goods, and find sureties for their good behaviour; and those who possessed neither lands nor effects were required to bind themselves by oath and sureties, that they would keep the peace, and make such satisfaction as the church enjoined (o). In short, the military system established by the Normans, instead of forming the land-owners into a useful body of foldiers, seems to have been calculated for destroying order and regularity, and introducing confusion into every department of government. It was possible, as was the case of the antient states of Greece, to form the free inhabitants of a

(o) Diſt. de Kenilworth.

city into a regular army; or, like the early Romans, to turn the attention of the citizens to arms and husbandry; in both cases subordination was easily enforced, as their armies consisted of freemen, who lived under the immediate inspection of the magistrates in times both of peace and war: but it was impracticable to maintain the same discipline and order among the numerous military tenants in England, many of whom were raised above the rank of commoners, and lived at a great distance from each other. It was always difficult to execute any warlike undertaking by the aid of such a militia, whose service was limited to forty days, and whose rank and opulence made them almost independent of the crown. It became therefore an act of policy and necessity to exchange the military services required by the tenure of lands for money, and employ a more tractable and useful body of soldiers.

A more agreeable view of things now begins to open before us; and we shall have the satisfaction of seeing the liberty and property of the subjects secured by written

laws, to which they could always appeal; and though these for a time were undigested, feebly and irregularly executed, and adapted only to a particular exigence, yet experience found out and applied the proper remedies, and gave birth to many useful regulations, which we now enjoy. And from this period we may trace the advances of liberty and commerce, as they were gradually encouraged and secured by public statutes.



END OF THE FIRST VOLUME.

Na
Ar
Pra
Ca
Uf
Pau

Print

Na
Ar
Pra
Ca
Uf
Pau

Print